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federal register

THURSDAY, JANUARY 5, 1978

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
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	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17527; Amdt. 39–3115]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault-Breguet Aviation Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspections for cracks in the engine fire extinguishing system discharge lines and enlargement of the skin openings through which these lines are routed on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes. The AD is prompted by reports of cracks found in engine fire extinguishing system discharge lines which could make the engine fire extinguishing system ineffective in controlling an engine compartment fire.

EFFECTIVE DATE: January 19, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Avions Marcel Dassault-Breguet Aviation, B. P. No. 24, 33700 Merignac, France; or

Falcon Jet Corp., 90 Moonachie Avenue, Moonachie, N.J. 07074.

A copy of each of the service bulletins is cotnained in the Rules Docket, room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has received reports of deterioration and cracking of the engine fire extinguishing system discharge lines installed in Avions Marcel Dassault Model Falcon 10 airplanes. Cracks in the discharge lines can render the engine fire extinguishing system incapable of performing its intended function in the event of a fire in the engine compartment. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires—an initial inspecton of the engine fire extinguishing discharge lines for cracking, enlargement of the two openings in the skin through which the system lines are routed, repetitive inspections at 300 hour intervals until certain modifications prescribed in the AD are incorporated, and replacement of cracked lines on Avions Marcel Dassault—Breguet Aviation Model Falcon 10 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are M. F. Rammelsberg, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT-BREGUET AVIATION—Applies to Model Falcon 10 Airplanes, Certification in all Categories

Compliance is required as indicated, unless already accomplished.

To prevent the loss of engine fire extinguishing system capability as a result of cracking in the discharge lines, accomplish the following:

(a) Within 10 hours time in service after the effective date of this AD, comply with paragraphs (a)(1) through (a)(4) of this paragraph and thereafter continue to comply with paragraphs (a)(1), (a)(2), and (a)(3) at intervals not to exceed 300 hours time in service until paragraph (b) is met: (1) Remove the engine fire extinguishing system lines, P/N's F10A791105 and F10A791115, and inspect for cracks using a dye penetrant method in accordance with paragraph 2C of Avions Marcel Dassault-Breuguet Aviation Alert Service Bulletin F10–A–26–002, AMD–BA F10–A–0141, dated April 4, 1977, or an FAA-approved equivalent (hereinafter referred to as "Alert Service Bulletin").

(2) If a crack is found in a line, replace the line with a line of the same part number or an FAA-approved equivalent that is found to be free of cracks. Mark cracked lines to identify them as unairworthy.

(3) Comply with paragraph 2D of the Alert Service Bulletin when reinstalling lines.

(4) Enlarge the diameter of the openings which permit passage of the fire extinguishing system lines through the fuselage skin between frames 29 and 30 in accordance with paragraph 2B of the Alert Service Bulletin.

(b) The repetitive inspections required by paragraphs (a)(1) through (a)(3) of this AD may be discontinued after the following is accomplished:

(1) Paragraph (a)(4) of this AD has been accomplished.

(2) A clamp is installed at frame 29 in accordance with paragraph 2D of the Avions Marcel Dassault-Breguet Aviation Service Bulletin F10–26–002, AMD–BA–F10–0141, dated June 17, 1977, or an FAA-approved equivalent (hereinafter referred to as "June Service Bulletin").

(3) Lines, P/N F10 A 791105A2 and F10 A 791115A2, have been installed in accordance with the June Service Bulletin.

(c) Airplanes may be flown in accordance with FAR 21.197 and FAR 21.199 to a maintenance base where the repairs and maintenance required by this AD are to be performed.

(d) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, FAA, c/o American Embassy, Brussels, Belgium, may adjust the inspection interval specified in paragraph (a) of this AD or approve modifications equivalent to these specified in paragraph (b) of this AD provided that such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

This amendment becomes effective January 19, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on December 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.78–52 Filed 1–4–78; 8:45 am]

[4910–13]

[Docket No. 17525; Amdt. 39–3114]

PART 39—AIRWORTHINESS DIRECTIVES

Short Brothers, Ltd., Model SD3–30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires drainage of water that collects in the plumbing to the empennage deicing boots on early production Short Brothers, Ltd., Models SD3–30 airplanes. The AD is needed to prevent freezing of water in the system plumbing which

would prevent inflation of the empennage de-icing boots which could result in loss of control of the aircraft in flight.

DATES: Effective January 19, 1978. Compliance schedule. As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: SD3-30 Coordinator, Product Support Department, Short Brothers Limited, P.O. Box 241 Airport Road, Belfast BT3 9DZ, Northern Ireland.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that water can collect in the plumbing of early production Short Brothers Ltd., Model SD3-30 airplanes in sufficient quantity that subsequent freezing of the water could prevent inflation of the empennage de-icing boots and thus prevent ice removal. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires manual drainage before dispatch of the airplane into known icing conditions until the system is modified to provide automatic water drainage.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

SHORT BROTHERS LIMITED: Applies to Model SD3-30 airplanes, S/N 3003 through 3011, certificated in all categories.

To prevent inability to inflate de-icing boots of pneumatic deicing system on the empennage caused by water freezing in system plumbing, accomplish the following:

(a) Prior to each flight in which the airplane may be subject to known icing conditions, manually drain the water that collects in the plumbing of the pneumatic de-icing system to the empennage in accordance with Section 2 entitled "Accomplishment Instructions" of Short Brothers, Ltd., Alert Service Bulletin SD3-30-A04, dated October 4, 1977, or an FAA-approved equivalent.

NOTE.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

(b) Compliance with paragraph (a) of this AD may be terminated upon incorporation of automatic water drainage provisions in accordance with Short Brothers, Ltd., Modification Service Bulletin SD3-30-04 (modification 5332), Revision 1, dated November 4, 1977, or an FAA-approved equivalent.

This amendment becomes effective January 19, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 27, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.78-39 Filed 1-4-78;8:45 am]

[4910-13]

[Docket No. 77-NW-24-AD; Amdt. 39-3110]

PART 39—AIRWORTHINESS DIRECTIVES

Sundstrand Angle of Attack Sensors Installed on DC-10 and L-1011 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires modifications to Sundstrand Data Control, Inc. angle of attack sensors, P/Ns 965-4020-003/004. This action is considered necessary because some angle of attack sensors do not comply with FAA Technical Standard Order C54 (TSO-C54) high temperature qualification requirements and malfunction at higher ambient temperatures. Sensor malfunctions cause either the loss of stall warning capability or a false warning, both of which may result in an unsafe condition. Additional sensor failures may occur at any time in the future. The required modifications will reduce the probability of malfunctions.

DATE: Effective date January 30, 1978.

Compliance times as described in the body of the AD.

ADDRESSES: Sundstrand service bulletins specified in this directive may be obtained upon request from Sundstrand Data Control, Inc., Overlake Industrial Park, Redmond Wash. 98052. Collins-Lear Siegler service bulletins specified in this directive may be obtained upon request from Lear Siegler, Inc., Astronics Division, Santa Monica, Calif. 90406. These documents may also be examined at the FAA Northwest Region Headquarters, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Charles H. Mackal, Systems and Equipment Field Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone: 206-767-2500.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) (42 FR 46929) was published on September 19, 1977, proposing that a new Airworthiness Directive be issued to require modifications to Sundstrand Data Control, Inc. angle of attack sensors, P/N 965-4020-003/004.

In response to the NPRM the Air Transport Association (ATA) submitted comments from ATA member airlines. ATA member DC-10 operators agree with the need to improve the reliability of the Sundstrand P/N 965-4020-003 sensors but questioned the feasibility of modifying all the units within 1,000 hours and suggested a 3,000 hour compliance time for the -003 sensor and a 6,000 hour compliance time for the -004 sensor. The McDonnell Douglas Company stated that the proposed 1,000 hour compliance time was unreasonable and recommended 3,000 hours. Sundstrand Data Control, Inc. responded that the P/N 965-4020-003 modifications cannot be accomplished within the 1,000 hours compliance time because calibrations and tests of each sensor are accomplished through use of a wind tunnel and recommended 3,600 hours. The Association of European Airlines (AEA) proposed extending the compliance time to minimum of 2,000 hours time in service, because there is only one facility in Europe able to perform the modifications to the P/N 965-4020-003 sensors.

ATA member L-1011 operators and the Lockheed Corporation objected to the requirement for the modification of the Sundstrand P/N 965-4020-004 sensors since there have been no reports of problems on the L-1011 airplane installation. The FAA has included the P/N 965-4020-004 sensor because some of the -004 sensors do not meet the high temperature qualification requirements of TSO-C54. FAR 37.17 requires correction of design defects in TSO approved articles. The FAA believes that additional compliance time for the -004 sensor is justified.

The ATA also suggested the removal of the TSO-C54 label from unmodified units as an alternative procedure to the AD. The FAA does not agree.

As a result of the above comments, the FAA agrees that the 1,000 hour compliance time may be increased for the P/N 965-4020-003 angle of attack sensors. Since approximately 80 of the 343 units in the field have been modified by Sundstrand as of December 1, 1977, the FAA now believes modification of the remaining units by June 30, 1978, is reasonable. Additional compliance time to December 31, 1978, for modification of the P/N 965-4020-004 is provided.

DRAFTING INFORMATION

The principal authors of this document are C. H. Mackal, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (CFR 39.13) is amended by adding the following new Airworthiness Directive:

SUNDSTRAND: Applies to all angle of attack sensors, P/Ns 965-4020-003 and 965-4020-004 manufactured under Technical Standard Order (TSO-C54) authorization installed in McDonnell-Douglas DC-10 series airplanes and Lockheed L-1011 series airplanes, respectively. Compliance time required as indicated.

A. Prior to July 1, 1978, unless already accomplished, modify the Sundstrand probe P/N 965-4020-003 in accordance with Sundstrand Service Bulletins No. 2 (Doc. No. 012-0125-102), Rev. 2, dated August 1977 and No. 3 (Doc. No. 012-0125-103), Rev. 2, dated August 1977, or subsequent FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Prior to January 1, 1979, unless already accomplished: (1) modify the self-test circuit in the Sundstrand probe P/N 965-4020-004 (345D-2), in accordance with Collins-Lear Siegler, Inc. Service Bulletin No. 345D-2-22-03 dated February 15, 1975; and (2) modify the pressure pickoff assembly in the Sundstrand probe P/N 965-4020-004 (345D-2), in accordance with the Collins-Lear Siegler, Inc. Service Bulletin No. 345D-2-22-06 to be released, or subsequent FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective January 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on December 22, 1977.

J. H. TANNER,
Acting Director,
Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.78-49 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area—Boone, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the existing transition area at Boone, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Boone Municipal Airport which is based on a Non-directional Radio Beacon (NDB) navigational aid installed at the airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106; telephone, 816-374-3408.

SUPPLEMENTARY INFORMATION: The City of Boone, Iowa, has installed a Non-directional Radio Beacon (NDB) on the Boone Municipal Airport. This navigational aid will provide new navigational guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the existing Boone, Iowa, transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 56341 of the FEDERAL REGISTER dated October 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Boone, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1977 (42 FR 440), is amended, effective 0901 G.m.t. March 23, 1978 (42 FR 440), by altering the following existing transition area:

BOONE, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'-00"N., longitude 93°50'45"W) and within 3 miles each side of the 338° bearing from the Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport, and within 3 miles each side of the 164° bearing from the Boone Municipal Airport extending from the 5-mile area to 8 miles south of the airport, excluding that portion which overlies the Ames, Iowa, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on December 20, 1977.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.78-53 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Henderson, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Henderson, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure to Rusk County Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On September 25, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 56344) stating that the Federal Aviation Administration proposed to alter the Henderson, Tex., transition area. Interested persons

were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Four comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Henderson, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing NDB instrument approach procedures to the Rusk County Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows.

In Subpart G, 71.181 (42 FR 440), the Henderson, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rusk County Airport, Henderson, Tex., (latitude 32°03'30" N., longitude 94°51'15" W.); within 5 miles each side of the Gregg County, Texas VORTAC 197° radial extending from the 8.5-mile radius area to 11.5 miles south of the VORTAC; and within 3.5 miles each side of a 350° bearing from the Henderson NDB (latitude 32°11'16" N., longitude 94°51'39" W.) extending from the 8.5-mile radius area to 11.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 19, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.78-50 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone: Clarification of Description

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Clarifying amendment.

SUMMARY: This amendment redescribes the Sault Ste. Marie, Michigan (Kincheloe AFB) control zone. The present description is based on the Kincheloe AFB TACAN which is no longer in operation. Therefore, it is necessary to describe the control zone by geographic coordinates to identify the control zone.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Ave., Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: On August 22, 1977, a Notice to Airmen was issued stating that, effective September 1, 1977, the Sault Ste. Marie, Michigan (Kincheloe AFB) Control Zone would be decommissioned. The intent of the notice was to advise the public that, by reason of the closure of Kincheloe Air Force Base, the control zone would not be effective until further notice. Since the wording of the notice was misleading, a Notice to Airmen has been issued clarifying the August 22, 1977, notice. The control zone description as it now appears in Subpart F of Part 71 is based on the Kincheloe AFB TACAN which has been removed. In order to assure the continued safe operation in this airspace, it is necessary to redescribe the control zone in identifiable terms. The airport at the former Air Force Base is being transferred to Chippewa County, Michigan, and it will become the municipal airport for Sault Ste. Marie, Michigan. The control zone must be continued in order to provide the necessary protection for aircraft using the IFR approaches to the airport. Before further use of the IFR approaches to the airport, notification of the effectivity of the control zone will be made by a Notice to Airmen. Since this amendment is clarifying in nature and does not impose an additional burden on the users of this airspace, it has been determined that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective in less than thirty (30) days.

DRAFTING INFORMATION

The principal authors of this document are Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

In Section 71.171 (42 FR 355), the following control zone is amended to read:

§ 71.171 [Amended]

SAULT STE. MARIE, MICHIGAN

That area within a 5 mile radius of latitude 46°15'00" N., longitude 84°28'00" W. with control zone extensions described as starting at a point on the 5 mile radius circle at: latitude 46°17'15" N., longitude 84°33'-20" W.; thence to latitude 46°18'50" N., longitude 84°34'50" W.; thence to latitude 46°-19'15" N., longitude 84°34'05" W.; thence to latitude 46°19'45" N., longitude 84°34'20" W.; thence to latitude 46°20'55" N., longitude 84°29'50" W.; thence to latitude 46°19'-20" N., longitude 84°28'50" W.; thence clockwise to a point along the five mile radius circle at latitude 46°12'20" N., longitude 84°-23'05" W.; thence to latitude 46°09'30" N., longitude 84°20'30" W.; thence to latitude 46°07'20" N., longitude 84°24'20" W.; thence to latitude 46°10'40" N., longitude 84°27'40" W.; thence clockwise along the 5 mile radius circle to latitude 46°17'15" N., longitude 84°-33'20" W.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on December 28, 1977.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.78-104 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Jacksonville, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Jacksonville, Tex., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to the Cherokee County Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 3, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 57469) stating that the Federal Aviation Administration proposed to designate the Jacksonville, Tex., transition area. Interested persons

were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Jacksonville, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Cherokee County Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows.

In Subpart G, 71.181 (42 FR 440), the following transition area is added:

JACKSONVILLE, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Cherokee County Airport (latitude 31°52'09" N., longitude 95°13'22" W.) and within 3.5 miles each side of a 299° bearing from the Cherokee County NDB (latitude 31°52'12" N., longitude 95°13'15" W.) extending from the 6.5-mile radius area to 11.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 23, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.78-40 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Mooreland, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Mooreland, Okla., to provide controlled airspace for aircraft executing the newly established NDB instrument approach procedure to Mooreland Municipal Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 31, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 56957) stating that the Federal Aviation Administration proposed to designate the Mooreland, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Three comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Mooreland, Okla., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Mooreland Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the following transition area is added:

MOORELAND, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mooreland Municipal Airport, Mooreland, Okla., (latitude 36°29'08" N., longitude 99°11'39" W.) within 3.5 miles each side of the 359° bearing from the Mooreland NDB (latitude 36°29'04" N., longitude 99°11'39" W.) extending from the 5-mile radius to 11.5 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 19, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.78-51 Filed 1-4-78;8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Olney, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Olney, Tex., to provide controlled airspace for aircraft executing instrument approach procedures to the Olney Municipal Airport using the newly established NDB located on the airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTAL INFORMATION:

HISTORY

On October 25, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 56342) stating that the Federal Aviation Administration proposed to designate the Olney, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Five comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates the Olney, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Olney Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., March 23, 1978, as follows.

In Subpart G, § 71.181 (42 FR 440), the following transition area is added:

OLNEY, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Olney Municipal Airport (latitude 33°21'00" N., longitude 98°49'00" W.) and within 4 miles each side of the 329° bearing from the Olney NDB (latitude 33°21'15" N., longitude 98°48'57" W.) extending from the 6.5-mile radius area to 8.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on December 23, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.78-41 Filed 1-4-78;8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

Rescission of Obsolete Part

AGENCY: Federal Trade Commission.

ACTION: Final rescission of certain trade practice rules.

SUMMARY: Action taken is rescission of trade practice rules for the bedding manufacturing and wholesale distributing industry. The Commission is reviewing its trade practice rules and other industry guides to rescind those not considered useful in obtaining compliance with laws it administers. After carefully considering requests by trade association and a manufacturer for retention is not in the public interest.

EFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION WRITE OR CALL:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, telephone 202-724-1037.

SUPPLEMENTARY INFORMATION:

The Commission invited (January 16, 1976 at 41 FR 2398) interested persons to comment on proposed rescissions of trade practice rules for 50 industries including these for the bedding industry. The Commission in actions announced periodically has rescinded all trade practice rules for the other 49 industries on the 41 FR 2398 list.

Comments on the public record (No. 215-55) about 16 CFR Part 195, Bedding Manufacturing and Wholesale Distributing Industry, were submitted by a trade association and by a nationally advertised brand name mattress licensee-manufacturer. The trade association asked that the rules "be retained substantially in the same form as they exist today." The manufacturer agreed to rescission of standard general application sections but requested retention of several rules more or less particularized for this industry, modification of one on wholesale and retail sales in the same establishment, substitution of a suggested rule prohibiting price preticketing in place of present § 195.6 on deceptive pricing and issuance of such suggested rules as trade regulation rules.

The Commission carefully considered these requests and determined that they should be denied for the following reasons:

(a) There is no showing that any of these rules has been used in recent years to obtain compliance with Commission administered laws;

(b) Proposed revisions of Part 233, guides against deceptive pricing, applicable to everyone subject to Commission jurisdiction, are pending;

(c) The Commisson does not expect to deal with price preticketing for only one industry;

(d) Wholesale and retail sales in the same establishment present problems not confined to this industry;

(e) The Commission has tried to select industries for trade regulation rulemaking proceedings where possibilities of consumer deception are peculiar to practices in the particular industry; and

(f) The bedding industry does not appear to need special trade regulation rules.

The Commission concludes that retention of Part 195 is not in the public interest.

Accordingly the Commission hereby announces its final rescission and removal of trade practice rules published in the following Part of Title 16 of the Code of Federal Regulations:

The Commission notes that rescission of trade practice rules and industry guides does not relieve anyone of duties to comply with Commission administered laws. Therefore rescission is not an invitation to engage in unfair or deceptive or anticompetitive acts or practices in violation of law.

(Secs. 5, 6, 18(a)(1)(A), amended FTC Act, 38 Stat. 719, 721, 88 Stat. 2193 (15 U.S.C. 45, 46, 57a); 16 CFR 1.5, 1.6, 17.1.)

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.78-102 Filed 1-4-78;8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-13]

PART 153—ANTIDUMPING

Elemental Sulphur From Mexico

AGENCY: United States Treasury Department.

ACTION: Modification of dumping finding.

SUMMARY: This notice is to inform the public that Azufrera Panamericana S.A. of Mexico is no longer selling elemental sulphur from Mexico at less than fair value under the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. In addition, Azufrera has given assurances that future sales will not be at less than fair value. As a result of this action, Azufrera's shipments of this merchandise from Mexico which were entered, or withdrawn from warehouse, for consumption on or after September 8, 1977, will not be liable for special dumping duties.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David P. Mueller, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 28, 1972, a finding of dumping with respect to elemental sulphur from Mexico was published in the FEDERAL REGISTER as Treasury Decision 72-179 (37 FR 12727). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise from Mexico, produced and sold by Azufrera Panamericana, S.A. (Azufrera), was published in the FEDERAL REGISTER of September 8, 1977 (42 FR 45059).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request the opportunity to present oral views in connection therewith.

No written submission or requests having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding,"

elemental sulphur from Mexico, produced and sold by Azufrera, is not being, nor likely to be, sold at less than fair value, and T.D. 72-179 is hereby modified to exclude the subject merchandise produced and sold by Azufrera.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended to exclude elemental sulphur from Mexico, produced and sold by Azufrera from that finding of dumping:

Merchandise	Country	T.D.	Modified by—
Elemental sulphur, except that produced and sold by Azufrera Panamericana S.A.	Mexico	72-179	78-13

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d)).

(Sec. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173).)

HENRY C. STOCKWELL, Jr.,
Acting General Counsel of the Treasury.

DECEMBER 29, 1977.

[FR Doc.78-133 Filed 1-4-78;8:45 am]

[4810-22]

[T.D. 78-11]

PART 159—LIQUIDATION OF DUTIES

Butter Cookies From Denmark

AGENCY: United States Treasury Department.

ACTION: Waiver of countervailing duty.

SUMMARY: This notice is to inform the public that a determination has been made to waive the countervailing duties that would otherwise be required by section 303 of the Tariff Act of 1930. The countervailing duties are waived on bounties or grants paid on imports of Danish butter cookies. The waiver will expire on January 4, 1979, unless revoked earlier.

EFFECTIVE DATE: This waiver of countervailing duties becomes effective on January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220, 202-566-8585.

SUPPLEMENTARY INFORMATION: In T.D. 78-12, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly upon the manufacture, production, or exportation of butter cookies from Denmark.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultation with interested agencies, I have concluded that adequate steps have been taken to reduce substantially the adverse effects, or potential adverse effects, of the bounties or grants by virtue of assurances received from the Danish Cake and Biscuit Alliance, which represents all Danish butter cookie exporters, that for the duration of the waiver:

(1) There will be no aggressive marketing by any Danish butter cookie manufacturer of its butter cookie exports to the United States; (The Treasury would interpret aggressive marketing for these purposes as sales in quantities that exceed historic marketing levels.)

(2) There will be no downward adjustments in prices of Danish butter cookie imports quoted C.I.F. at U.S. ports of entry from December 9, 1977, and

(3) Danish butter cookie exporters will not apply for or accept any restitutions, refunds of deposits in connection with purchase of intervention stocks, or other rebates of any kind paid by or through the European Economic Community on exports of the butter content of the Danish butter cookies, in excess of the amounts payable on December 9, 1977.

It is noted that in connection with these undertakings, imports of butter cookies from Denmark were only $6.7 million in 1976 without having shown measurable increases from previous years. In addition, Danish butter cookies are a high quality food product, generally sold at high prices. Further, a majority of sales are at prices which exceed those of the equivalent U.S. product. Based on these factors it would appear that the actions taken by the Danish butter cookie exporters not to receive additional benefits reduce substantially the adverse effect caused by the bounties by reducing their potential ability to disrupt seriously sales of U.S. prepackaged butter cookies.

After consulting with appropriate agencies, including the Department of State, the Office of the Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on butter cookies from Denmark would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended, (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 78-12 on butter cookies from Denmark.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of the Congress of a resolution disapproving this "Waiver of Countervailing Duties," or January 4, 1979, whichever occurs first, countervailing duties will be assessable on butter cookies imported directly or indirectly from Denmark in accordance with T.D. 78-12, published concurrently with this determination.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), is amended by inserting after the last entry for Denmark under the commodity heading "Butter Cookies", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; (19 U.S.C. 66, 1303), as amended, 1624.)

PETER D. EHRENHAFT,
Deputy Assistant Secretary and Special Counsel, Tariff Affairs.

DECEMBER 28, 1977.

[FR Doc.78-159 Filed 1-4-78;8:45 am]

[4810-22]

[T.D. 78-12]

PART 159—LIQUIDATION OF DUTIES

Butter Cookies From Denmark

AGENCY: United States Treasury Department.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Denmark has given benefits which constitute bounties or grants under the Countervailing Duty Law (19 U.S.C. 1303), on the manufacture or exportation of butter cookies. However, countervailing duties are being waived under the temporary waiver provisions of the Act.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On July 6, 1977, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 34562). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary countervailing duty determination had been made stating that bounties or grants were being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of butter cookies from Denmark. Measures preliminarily determined to constitute bounties or grants included the sale of butter from EEC intervention stocks at below market prices, and export restitution payments on eggs, wheat flour, and sugar used in the production of butter cookies.

The notice further states that before a final determination would be made, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of publication of the "Notice of Preliminary Determination."

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed directly or indirectly, on exports of butter cookies from Denmark within the meaning of section 303 of the Act. The bounties or grants are in the form of rebates of deposits when intervention stock butter is sold for use in baked goods and export restitution payments on the content of eggs, flour, sugar, and butter in exported butter cookies.

Accordingly, notice is hereby given that butter cookies imported directly or indirectly from Denmark, if entered, or withdrawn from warehouse, for consumption on or after January 5, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of the bounties or grants has been ascertained and determined, or estimated, to be refunds referred to in Regulation (EEC) No. 2682/72 applicable on the exportation of butter cookies, as set forth by the regulations of the European Communities as published in the "Official Journal of the European Communities." Rules governing sales of butter from EC intervention stocks are contained in Regulation (EEC) No. 232/75.

To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of butter cookies from Denmark are subject to a bounty or grant in an amount other than that applicable under the above declaration, the amount so established shall be assessed and collected on such dutiable imports of butter cookies.

Effective on or after January 5, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable butter cookies imported directly or indirectly from Denmark, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption of such dutiable butter cookies imported directly or indirectly from Denmark, which benefit from these bounties or grants, and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a notice of "Waiver of Countervailing Duties" is being published concurrently with this order in accordance with section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)). At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Denmark the words "Butter Cookies" in the column headed "Commodity."

The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision and the words "bounty declared—rate" in the column headed "Action". This notice is published pursuant to section 303 of the Act. (R.S. 251, as amended, sections 303, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d), insofar as they pertain to countervailing duty orders by the Commissioner of Customs, are hereby waived.

PETER D. EHRENHAFT,
Deputy Assistant Secretary and Special Counsel, Tariff Affairs.

DECEMBER 28, 1977.

[FR Doc.78-160 Filed 1-4-78-8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-101]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chester Creek, Pa.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations for the Consolidated Rail Corporation (ConRail) drawbridge across Chester Creek to require at least 24 hours notice at all times. This change is being made because of very little use of this reach of Chester Creek by navigation. ConRail will be relieved of the obligation of manning the bridge.

EFFECTIVE DATE: This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On June 13, 1977, the Coast Guard published a proposed rule (42 FR 30217) concerning this amendment. The Commander, Third Coast Guard District, also published a public notice on this proposal on July 14, 1977. Interested persons were given until July 15, 1977 and August 15, 1977, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

One comment was received which offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, is amended by revising § 117.229 to read as follows:

§ 117.229 Chester Creek (Front Street) Pa.

(a) The draw shall open on signal if at least 24 hours notice is given.

(b) The owner or agency controlling this bridge shall conspicuously post a

notice stating how the authorized representative may be reached.

(Sec. 5, 28 Stat. 362, as amended, sec. 6 (g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.78-153 Filed 1-4-78;8:45 am]

[4910-14]

[CGD 77-231]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Flint River, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the drawbridge across the Flint River, mile 28.4, because the bridge has been replaced by a fixed bridge.

EFFECTIVE DATE: This amendment is effective on January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

§ 117.245 [Amended]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.245(i) (7a).

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

Dated: December 27, 1977.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.78-154 Filed 1-4-78;8:45 am]

[4910-14]

[CGD 75-035]

PART 117—DRAWBRIDGE OPERATION REGULATION

Fox River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations governing the operation of the highway drawbridges across the Fox River at Oshkosh, Wisconsin, to allow closed periods during the noon and afternoon peak vehicular traffic periods and to require at least two hours notice from 12 midnight to 8 a.m. An increase in vehicular traffic and few requests for drawbridge openings from midnight to 8 a.m. are the reasons for this change. The changes should provide for a smoother flow of vehicular traffic.

EFFECTIVE DATE: This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On March 21, 1977, the Coast Guard published a proposed rule (42 FR 15341) concerning this amendment. The Commander, Ninth Coast Guard District, also published these proposals on May 9, 1977 as a public notice. Interested persons were given until April 26, 1977 and June 8, 1977, respectively, to submit comments. No comments were received.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of Chief Counsel.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to § 117.643 to read as follows:

§ 117.643 Fox River and Portage Canal, Wis.

* * * * *

(d) Highway bridges at Oshkosh, Wisconsin.

(1) The owners of or agencies controlling the bridges shall provide the necessary draw tenders and properly maintain operating machinery to insure the safe opening of the draws.

(2) Signals. The signal for opening the bridges shall be three blasts of a whistle, horn or other sound producing device.

(3) The draws shall be opened on signal between the hours of 8 a.m. and 12 midnight except that on Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. the draw need not open for the passage of vessels other than public vessels of the United States. However, the draws shall open promptly on signal from 8 a.m. to 12 midnight on Memorial Day, 4th of July, and Labor Day.

NOTE.—During the times when the "draw need not open" the draw may open if vehicular traffic permits.

(4) From 12 midnight to 8 a.m., the draws shall open for the passage of the vessels if at least two hours notice is given via radiotelephone to the Main Street draw tender or the Winnebago County Sheriff's Department.

(Sec. 5, 28 Stat. 362, as amended, sec. 6 (g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5).)

NOTE—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107

Dated: December 27, 1977.

O. W. SILER,
Admiral, U.S. Coast
Guard Commandant.

[FR Doc.78-150 Filed 1-4-78;8:45 am]

[4910-14]

[CGD 77-098]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hackensack River, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The draw of the Bergen County, N.J., swing bridge across the Hackensack River, mile 16.5, need not open for the passage of vessels. This change is made because there is no commercial navigation above this bridge and because the last opening for navigation was in 1973.

EFFECTIVE DATE: This amendment is effective on February 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On June 13, 1977, the Coast Guard published a proposed rule (42 FR 30216) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a Public Notice dated July 14, 1977. Interested persons were given until July 15, 1977 and August 15, 1977, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

One comment was received which had no objection to this change.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.225(f) (1-c) immediately after § 117.225(f) (1-b) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(1-c) Hackensack River, N.J., Midtown Bridge, mile 16.5. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 29, 1977.

E. L PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.78-156 Filed 1-4-78;8:45 am]

[4910-14]

[CGD 76-228]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

New Smyrna Beach, Florida Drawbridge Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: This document corrects the citation of authority for the revised regulations for the Harris Saxon bridge appearing at page 61041 of the December 1, 1977 issue of the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

§ 117.433a Harris Saxon Bridge, AIWW New Smyrna Beach, Florida.

In FR Doc. 77-34252 appearing at page 61041 in the FEDERAL REGISTER of December 1, 1977, the last item of the citation of authority is corrected to read "49 CFR 1.46(c)(5)."

Dated: December 30, 1977.

E. L. PERRY,
Vice Admiral U.S. Coast
Guard Acting Commandant.

[FR Doc.78-175 Filed 1-4-78;8:45 am]

[1410-03]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 77-2]

PART 201—GENERAL PROVISIONS

Compulsory License for Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting new regulations to implement portions of section 111 of the Act for General Revision of the Copyright Law. That section prescribes various conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of certain notices and statements of account. The new regulations establish requirements governing the form, content and filing of such notices and statements.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Section 111(c) of the first section of Pub. L. 94-553 (90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to, among other conditions, requirements that the cable system comply with certain provisions regarding recordation of notices under section 111(d)(1) and deposit of statements of account under section 111(d)(2).

On December 1, 1977 the Copyright Office published in the FEDERAL REGISTER (42 FR 61051) a proposal to adopt new regulations §§ 201.11 and 201.17 establishing requirements governing the form, content and filing of such notices and statements.[1] Sixteen initial and reply comments were received in response to the Notice of Proposed Rulemaking. After careful consideration of all the comments, we have decided to make several changes in the proposed regulations. A discussion of the major substantive comments appears below. It should be noted at the outset, however, that we are dealing with an entirely new area of copyright law in which all parties concerned lack practical experience. Moreover, future actions by the Copyright Royalty Tribunal and Federal Communications Commission can be expected to affect the theory and application of our rules. Accordingly, these regulations must be considered somewhat experimental and subject to reconsideration as circumstances and experience develop.

[1] The Notice of Proposed Rulemaking was issued after full consideration of testimony received at a two-day hearing in April, 1977 under an Advance Notice of Proposed Rulemaking in this docket (42 FR 15431; March 22, 1977). Many of the issues raised in the comments to the proposed regulation were considered at the hearing and fully discussed in the preamble of the December 1st Notice.

1. DEFINITION OF "CABLE SYSTEM"

Several copyright owners objected to our proposal to define an "individual" cable system "as a distinct entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit", subject to certain qualifications (§§ 201.11(a)(3), 201.17(b)(2)). They asserted that this definition would cause confusion because a "cable system" for copyright purposes is not the same as a "cable system" for FCC purposes. Representatives of cable systems generally agreed with our proposal. We are not persuaded that our original purpose in adopting this definition, namely, "to minimize confusion and benefit all interested parties", will fail. Accordingly, we have adopted the definition as proposed. If the FCC changes its definition of a cable system in the future, we can then consider whether the change is consistent with the provisions of the Copyright Act, and if it is not, make appropriate changes in our rules.

Proposed §§ 201.11(a)(3) and 201.17(b)(2) also interpreted the final sentence of the definition of "cable system" in section 111(f) of the Act to mean that "two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend shall be considered as one individual cable system". Although one comment suggested that the words "contiguous communities" were intended to modify both the "common ownership" and "one headend" clauses, we do not agree. As stated in our Notice of Proposed Rulemaking, "the legislative history of the Act indicates that the purpose of this sentence is to avoid the artificial fragmentation of cable systems", and we believe our interpretation is more consistent with this purpose.

One comment argued that this interpretation would lead to the artificial combination of two completely separate systems into a single system merely because, for economic reasons, they use a single headend. It was suggested that our regulation be modified so that "two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend and under common ownership or control shall be considered as one individual cable system." This modification, however, would be an inappropriate addition of language to the act.

2. ALL-BAND FM

Comments from cable operators criticized our proposed solution to the problem of identifying FM stations carried by a cable system as part of an all-band transmission. Our proposal required re-

peated reassessment of FM signal strengths. The thrust of these comments was that the proposed requirement would place considerable financial and administrative burdens on cable systems. After reconsideration, we agree with this objection. However, none of the various alternatives suggested by these comments was sufficient to meet, with any certainty, copyright owners' interests in identifying the carriage of their work by cable systems.

On the present record and in the absence of practical experience, the problem posed by all-band FM signal identification is a difficult one. We have decided to amend our proposal in an attempt to provide copyright owners and the Copyright Royalty Tribunal with a reasonably accurate list of individual FM stations generally receivable by "all-band" cable systems, without imposing a disproportionate burden on those systems.

The amendment consists of two parts: (i) § 201.11(a)(4) and, by reference, § 201.17(b)(4), have been modified to identify a "generally receivable" FM signal as one that "as a result of monitoring at reasonable times and intervals * * * can be expected to be" received at the system's headend at a specified frequency and with a specified signal strength; and (ii) § 201.17(e)(9)(iii) requires statements of account filed by all-band systems to describe the monitoring employed to identify such signals. The intent of the first part is to permit cable systems to adopt monitoring systems, such as the periodic use of a good FM receiver during optimum weather conditions for the area, which can reasonably be expected to identify signals meeting the specified time and strength standards. Such monitoring systems will not require the expenditure of the time, and the investment in specialized equipment, needed to make the precise measurements required by our proposal. Since at present, without any practical experience to guide us, it is impossible for the regulations to offer any detailed definition of the monitoring systems required, the second part of our amendment is designed to provide a record for later consideration by copyright owners, the Copyright Royalty Tribunal, and the Copyright Office.

3. Regularly Carried

Section 111(d)(1) of the act requires that notices of identity include a list of all "primary transmitters whose signals are regularly carried by the cable system", and that a notice of change be filed whenever there is a change in these regularly carried signals. Our proposed § 201.11(a)(5) defined "regularly carried" as "one hour each week for 13 or more consecutive weeks." Representatives of some cable operators argued that one hour per week is too short a time. However, we believe that a station whose signal is retransmitted by a cable system for one or more hours per week for 13 consecutive weeks should be considered regularly carried under any reasonable definition of the word "regular"; accordingly, § 201.11(a)(5) is adopted as proposed.

4. Ownership

In response to inquiry made in one comment, we confirm that the regulations do not require disclosure of parent corporations or stockholders. To avoid possible confusion on this point, references to designating "corporate" names used to identify the business of the cable system (except when giving the legal name of the owner) have been deleted.

5. Fees

Copyright owners argued that a filing fee should be required to accompany the deposit of statements of account. Cable systems asserted that a filing fee for permissive amendments under § 201.11(e)(1) should not be required. For the reasons stated in paragraph I 8. of the preamble to our Notice of Proposed Rulemaking, we believe that the Act prohibits our imposition of a filing fee for the deposit of statements of account,[3] but does permit a filing fee for permissive amendments.

6. Definition of Receipts

Proposed § 201.17(b)(1) defined "amounts attributable to the basic service of providing secondary transmissions * * *" to include "additional set fees". Although representatives of cable operators objected, we have adopted the proposed definition without change.

A family with two television sets attached to a cable system pays for the availability, on both sets, of the entire basic cable television service, so that two or more members of the family can, separately but at the same time, view different retransmitted programs. The additional set fee is, we believe, clearly a payment for basic secondary transmission service, and this conclusion is supported by FCC practice.

7. Translators

Proposed § 201.17(b)(6) stated: "A translator station is, with respect to programs both originally transmitted and retransmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations." Although some cable operators urged us to modify this provision, we believe it necessarily follows from the definitions of "primary transmission" and "secondary transmission" in 17 U.S.C. 111(f).

8. Accounting Periods and Filing Dates

Proposed § 201.17(c) required that statements of account cover the periods January 1 through June 30 and July 1 through December 31, and that they be deposited not later than sixty days from the expiration of the accounting period. Some cable operators urged us to base the accounting period on the system's fiscal year, and to establish a filing period of 90 calendar days or 105 calendar days after the expiration of each accounting period.

For the reasons set forth in paragraph II 2. of the preamble to our Notice of Proposed Rulemaking we are adopting the proposed section without change. Sixty days is ample time for the preparation of statements of account, and we find no justification for possible delay of the review of such statements or distribution of royalties. We note that the Copyright Royalty Tribunal has filed a comment in this proceeding, indicating that the proposed accounting periods will not interfere with its duties.

9. Subscriber Information

Comments from several cable operators questioned our proposed requirement (§ 201.17(e)(6)) that statements of account include information as to the number of subscribers in each category for which a charge is made for the basic service of providing secondary transmissions, and the applicable charge. As stated in paragraph II 4. of the preamble to our Notice of Proposed Rulemaking, although this information "will not provide a definitive or detailed comparison with the reported gross receipts", it will be useful for at least a rough comparison with the reported gross receipts, and gives meaning to the statutory requirement that the "number of subscribers" be given. Proposed § 201.17(e)(6) is therefore adopted without change.

10. Total Actual Receipts

In their initial comments, several copyright owners approved the proposed requirement (§ 201.17(e)(8)) that cable systems be required to furnish, on an annual basis, information as to "total actual receipts" from subscribers for all services provided by the cable system. These comments pointed to section 801(b)(2)(A)(ii) of the Act, which authorizes the Copyright Royalty Tribunal to adjust the section 111 royalty rates "to reflect * * * changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions * * *". Copyright owners in their initial comments also urged that we require cable systems to furnish information as to the number of subscribers in each category of service and the "monthly or other periodic charge for each service provided." In reply comments, however, some of these copyright owners indicated they would accept deletion of the requirement that total actual receipts be provided if the information about subscribers and rates is required.

Cable interests strongly opposed the requirement for total actual receipts. They contended that this information is confidential, that it could be used by copyright owners in bargaining for the

[3] The discussion of fees in the Notice of Proposed Rulemaking was specifically directed to the filing of Notices of Identity. However, the reasons given for not imposing a filing fee on those notices are equally applicable to the recording of statements of account. Copyright owners argued that our position was inconsistent with our charging a filing fee for the recordation of contracts by "off-shore" cable systems under 37 CFR 201.12 and 17 U.S.C. 111(c)(2). We believe this point may be well taken, and we are willing to reconsider the provision requiring a fee to be charged under the latter section.

right to exhibit copyrighted works on pay-cable, that the collection and public disclosure of this information by the Copyright Office might be inconsistent with other statutes, and that total actual receipts would be an inaccurate and irrelevant basis for determining whether there had been a change in average rates charged cable users under 17 U.S.C. 801 (b) (2) (A) (ii).

After considering the various positions taken by the parties in their initial and reply comments, we have decided to amend the proposed regulation to delete the requirement for reporting of total actual receipts. This category of revenue is a meaningful measure of changes in rates charged subscribers for various services, but only if other factors remain constant over several accounting periods. These other factors are: The number of subscribers, and the number of services offered. Any substantial changes in either of these two categories would make "total actual receipts" relatively meaningless.

We have accepted the copyright owners' suggestion that each statement of account include a complete listing of the rates charged to subscribers for all services furnished or offered by the cable system. However, we do not believe that additional information concerning the number of subscribers to such services is necessary to enable the Copyright Royalty Tribunal to review changes in "rates" under section 801(b) (2) (A) (ii) of the Act.

11. Designation of Distant Stations and of the Basis and Time of Carriage of Part-Time Stations

Some cable operators urged us to delete the requirements of proposed § 201.17(e) (9) (i) (E) and (F) that cable systems indicate whether a primary transmitter is distant and the basis of carriage of certain part-time stations. They argued that these requirements would unduly burden small systems, that many cable operators do not have this information, and that the information should not be required until it has become apparent that it is necessary for royalty distribution proceedings. However, for the reasons given in paragraph II 5. of the preamble to our Notice of Proposed Rulemaking, we have not accepted this suggestion.

Copyright owners urged us to expand § 201.17(e) (9) (i) (F) to require identification of all distant signals carried on a part-time basis (rather than those carried only pursuant to certain FCC rules) and specification of the times of such part-time carriage. These comments argued that such information would be necessary to identify particular copyright owners, or classes of owners, entitled to certain allocations or distributions of royalties.[3] Cable operators argued that such an expansion of our proposal would impose an unfair burden of reporting, if not recording, the information.

As in other aspects of these regulations, we do not believe we can refrain, at this time and particularly before determinations are made by the Copyright Royalty Tribunal, from requiring information that may reasonably be anticipated to be relevant to the question of royalty distribution.[4] Also, since part-time carriage requires that certain actions be taken by a cable operator at particular times (even if these actions are automated), we are not persuaded that the making and reporting of such actions would impose an undue burden. Accordingly we have amended paragraph (F) to require time of carriage information in cases of part-time carriage of distant stations. However, since it has not been shown on this record that part-time carriage, other than that under the FCC rules referred to in 17 U.S.C. 111(f) occurs with any significant frequency, the suggestion that this information be required for all part-time cases has not been accepted.

12. Special Statement and Program.

Cable operators argued that they should not be required by proposed § 201.17(e) (10) (ii) (F) to indicate the reason for deletion of substituted programs. However, as this requirement affects the calculation of royalties under the Act, and as the reasons for substitution are known to the cable operator, we have not accepted this argument.

13. Radio Station Information

One comment argued that cable systems should be required to state whether radio stations covered by the system are "distant". For the reasons stated in paragraph II 6. of the preamble to our Notice of Proposed Rulemaking, we do not agree.

14. Forms

As stated in our Notice of Proposed Rulemaking, the purpose of this proceeding was to establish the substantive nature of the information to be filed by cable systems. We are continuing to explore the possibility of providing standard forms for the filing of information. In that connection, we are reviewing the responses to the questions of interpretation raised in paragraph II 7. of the preamble to our Notice of Proposed Rulemaking, as well as questions raised by one comment concerning the reporting of receipts on a cash or accrual basis.

15. Effective Date

The effective date of the regulations is February 10, 1978. (Before that date, the filing of Notices of Identity and Notices of Change is governed by interim § 201.11 as adopted on March 18, 1977 (42 FR 15065).) However, with one exception noted in the regulations (§ 201.17(e) (9) (i) (F)), the information to be included in the first 1978 statement of account under the regulations, and under the Act, should cover the entire January 1 through June 30 accounting period.

The proposed regulations are adopted, with changes, and are set forth below.

Dated: December 30, 1977.

Barbara Ringer,
Register of Copyrights.

Approved:

Daniel J. Boorstin,
Librarian of Congress.

Part 201 of 37 CFR Chapter II is amended by § 201.11 and adding a new § 201.17 to read as follows:

§ 201.11 *Notices of identity and signal carriage complement of cable systems.*

(a) *Definitions.* (1) An "Initial Notice of Identity and Signal Carriage Complement" or "Initial Notice" is a notice under section 111(d) (1) of title 17 of the United States Code as amended by Pub. L. 94-553 and required by that section to be recorded in the Copyright Office "at least one month before the date of commencement of operations of the cable system or within one hundred and eighty days after (October 19, 1976), whichever is later", for any secondary transmission by the cable system to be subject to compulsory licensing.

(2) A "Notice of Change of Identity or Signal Carriage Complement" or "Notice of Change" is a notice under section 111(d) (1) of title 17 of the United States Code as amended by Pub. L. 94-553 and required by that section to be recorded in the Copyright Office "within thirty days after each occasion on which the ownership or control or signal carriage complement of the cable system changes" for any secondary transmission by the cable system to be subject to compulsory licensing.

(3) A "cable system" is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, or other communications channels to subscribing members of the public who pay for such service. The Notices required to be recorded by this section, and the statements of account and royalty fees to be deposited under § 201.17 of these regulations, shall be recorded and deposited by each individual cable system desiring its secondary transmissions to be subject to compulsory licensing. For these purposes, and the purpose of § 201.17 of these regulations, an "individual" cable system means each cable system recognized as a distinct

[3] In cases where a cable system's gross receipts exceed certain levels, and part-time carriage is made under certain FCC rules, time of carriage information is also relevant to the calculation of statutory royalties.

[4] The Copyright Royalty Tribunal has advised us, in a comment filed in this proceeding, that: "The principal concern of the CRT is that the regulations and forms of the Copyright Office provide all the information that may be reasonably required by this agency to perform its statutory functions with regard to both the determination of royalty fees and the distribution of royalty fees."

entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit. *Provided,* That (i) any rule, regulation, or practice of the Federal Communications Commission which excludes facilities from consideration as a "cable system" because of the number or nature of subscribers or nature of the secondary transmissions made shall not be given effect for the purposes of this section or § 201.17 of these regulations; and (ii) two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend shall be considered as one individual cable system.

(4) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, an FM radio signal is "generally receivable" if (i) it is usually carried by the system whenever it is received at the system's headend, and (ii) as a result of monitoring at reasonable times and intervals, it can be expected to be received at the system's headend, with the system's FM antenna, at least three consecutive hours each day at the same time each day, five or more days a week, for four or more weeks during any calendar quarter, with a strength of not less than fifty microvolts per meter measured at the foot of the tower or pole to which the antenna is attached.

(5) The signals of a primary transmitter are "regularly carried" if they are carried by the cable system for at least one hour each week for thirteen or more consecutive weeks, or if, in the cases described in paragraph (a) (4) of this section, they comprise generally available FM radio signals.

(b) *Forms.* The Copyright Office does not provide printed forms for the use of persons recording Initial Notices or Notices of Change.

(c) *Initial Notices.* (1) An Initial Notice of Identity and Signal Carriage Complement shall be identified as such by prominent caption or heading, and shall include the following:

(i) The designation "Owner", followed by: (A) The full legal name of the person who, or entity which, owns the cable system; (B) any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.

(ii) The designation "System", followed by: (A) All trade, or business names or styles used to identify the business and operation of the cable system; and (B) the full mailing address of the system. To the extent any portion of this information is identical to the information given in response to paragraph (c) (1) (i) of this section it need not be repeated. If all of the information called for by this paragraph is identical to the information given in response to paragraph (c) (1) (i) of this section, the designation "System" shall be followed by the statement "as given above", or like reference.

(iii) The designation "Area Served", followed by the name of the community or communities served by the system.

(iv) The designation "Signal Carriage Complement", followed by the name and location of the primary transmitter or primary transmitters whose signals are, or are expected to be, regularly carried by the cable system.

(A) The "name" of the primary transmitter(s) shall be given by station call sign, accompanied by a brief statement of the type of signal carried (for example, "TV", "FM", or "AM"). The "location" of the primary transmitter(s) shall be given as the name of the community to which the transmitter is licensed by the Federal Communications Commission (in the case of domestic signals) or with which the transmitter is identified (in the case of foreign signals).

(B) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, the Notice shall identify that portion of its signal carriage as "all-band FM" or the like, and shall separately identify the name and location of each primary transmitter of such signals whose signals are generally receivable by the system. In any case where such generally receivable FM signals cannot be determined at the time of recording of the initial Notice, they shall be subsequently identified in a Special Amendment recorded in compliance with paragraph (c) (3) of this section.

(v) The individual signature of the person identified as the person who owns the cable system, or of a duly authorized representative of that person; or, if an entity is identified as the owner, the signature of an officer if the entity is a corporation, or of a partner if the entity is a partnership. In any case, the date of signature shall also be given.

(2) The requirements of paragraph (c) (1) of this section shall apply only to Initial Notices of Identity and Signal Carriage Complement recorded on or after February 10, 1978. Initial Notices recorded before February 10, 1978 shall be governed by the applicable Copyright Office regulations in effect on the date of recordation.

(d) *Notices of change.* (1) A Notice of Change of Identity or Signal Carriage Complement shall be identified as such by prominent caption or heading, and shall include the following:

(i) In the case of a change of ownership: (A) The designation "Former Owner", followed by the full legal name of the person who, or entity which, owned the cable system as given in the Initial Notice recorded by the cable system or, if an earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such Notice;[5] (B) the designation "New Owner", followed by the full legal name of the person who, or entity which, now owns the cable system, toegther with any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system and the full mailing address of that person or entity; (C) the designation "System", followed by the information required by paragraph (c) (1) (ii) of this section; and (D) the effective date of the change of ownership.

(ii) In the case of a change of signal carriage complement: (A) The designation "Owner", followed by the information called for by paragraph (c) (1) (i) or (d) (1) (i) (B) of this section, as given in the Initial Notice recorded by the cable system or, if an earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such Notice;[6] (B) the designation "System," followed by the information required by paragraph (c) (1) (ii) of this section; (C) the names and locations of the primary transmitter or primary transmitters whose signals have been added to or deleted (as shall be stated in the Notice) from the system's signal carriage complement, given as set forth in paragraphs (c) (1) (iv) (A) and (B) of this section; and (D) the approximate date of each such addition or deletion.

(iii) In the case of either a change in ownership or in signal carriage complement, the Notice of Change shall be signed and dated in accordance with paragraph (s) (1) (iv) of this section.

(2) Unless accompanying a change in ownership and required to be given by paragraph (d) (1) (i) of this section, a Notice of Change is not required to be recorded to reflect changes occurring on or after February 10 1978 in: (i) Fictitious or assumed names used by the owner of a cable system for the purpose of conducting the business of the cable system; (ii) trade or business names or styles used to identify the business and operation of the cable system; (iii) mailing addresses of the owner of the cable system or of the system; (iv) the name of the operator of the cable sys-

[5] In the case of a change of ownership (i) for which a Notice of Change was not recorded before February 10, 1978 and (ii) which involves a cable system that recorded an Initial Notice or Notice of Change before February 10, 1978 without identifying the owner of the system, the designation "Former Owner" shall be followed by the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

[6] In the case of a change of signal carriage complement (i) for which a Notice of Change was not recorded before February 10, 1978 and (ii) which involves a cable system that recorded an Initial Notice or Notice of Change before February 10, 1978 without identifying the owner of the system, the designation "Owner" shall be followed by the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

tem; or (v) the name of the person or entity exercising primary control over the system. A Notice of Change is not required to be recorded to reflect changes in, or in the names of, the community or communities served by the cable system.

(3) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, and which have not recorded an Initial Notice identifying the primary transmitters of FM signals generally receivable by the system, a Notice of Change shall not be required to be recorded to reflect changes in the complement of such signals until the expiration of one hundred and twenty days from the date of recordation of a Special Amendment under paragraph (e) (2) or (e) (3) of this section.

(4) The provisions of paragraphs (d) (1) and (d) (2) of this section shall apply only to Notices of Change recorded on or after February 10, 1978. Notices of Change recorded before February 10, 1978 shall be governed by the applicable Copyright Office regulations in effect on the date of recordation.

(5) Notice of change in ownership and in signal carriage complement may be combined in one Notice of Change, if the information required under paragraph (d) (1) of this section is given for each change.

(e) *Amendment of Notices*—(1) *General (Permissive) Amendments to Correct Errors or Omissions.* The Copyright Office will record amendments to Initial Notices or Notices of Change submitted to correct an error or omission in the information given in the earlier document. An amendment is not appropriate to reflect developments or changes in facts occuring after the date of signature of an Initial Notice or Notice of Change. An amendment shall (i) be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement" or "Amendment to Notice of Change of Identity or Signal Carriage Complement"; (ii) identify the specific Notice intended to be amended so that it may be readily located in the records of the Copyright Office; (iii) clearly specify the nature of the amendment to be made; and (iv) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.[7] The recordation of an amendment under this paragraph shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(2) *Special (Required) Amendments for Certain Systems which Recorded Initial Notices before February 10, 1978.* Any cable system which before February 10, 1978, recorded an Initial Notice of Identity and Signal Carriage Complement which identified all or a portion of its signal carriage complement as "all-band FM", "broad-band FM" or the like, or which otherwise did not identify individual primary transmitters of FM signals generally receivable by the system, shall, no later than June 30, 1978, record an amendment to that Notice identifying the primary transmitter or primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (iv) (A) and (B) of this section. Such amendment shall: (i) Be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the Initial Notice intended to be amended so that it may be readily located in the records of the Copyright Office; and (iii) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.[7]

(3) *Special (Required) Amendments for Certain Cable Systems which Record Initial Notices on or after February 10, 1978.* Any cable system which records an Initial Notice of Identity and Signal Carriage Complement on or after February 10, 1978 and is required by the last sentence of paragraph (c) (1) (iv) (B) of this section to record a special amendment shall, no later than one hundred and twenty days after recordation of the Initial Notice, record an amendment to that Notice identifying the primary transmitter or primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (iv) (A) and (B) of this section. Such amendment shall: (i) be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the Initial Notice intended to be amended so that it may be readily located in the records of the Copyright Office; and (iii) be signed and dated in accordance with paragraph (c) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.

(f) *Recordation.* (1) The Copyright Office will record the Notices and amendments described in this section by placing them in the appropriate public files of the Office.

(2) No fee shall be required for the recording of Initial Notices, Notices of Change, or the Special Amendments identified in paragraphs (e) (2) and (e) (3) of this section. A fee of $10 shall accompany any General Amendment permitted by paragraph (e) (1) of this section.

(3) Upon request and payment of a fee of $3, the Copyright Office will furnish a certified receipt for any Notice or amendment recorded under this section.

[7] In the case of an amendment to an Initial Notice or Notice of Change recorded before February 10, 1978 which did not identify the owner of the system, the signature shall be accompanied by the printed or typewritten name of the operator, or person or entity exercising primary control over the system, as given in the Notice sought to be amended.

§ 201.17 Statements of account covering compulsory licenses for secondary transmissions by cable systems.

(a) *General.* This section prescribes rules pertaining to the deposit of statements of account and royalty fees in the Copyright Office as required by section 111(d) (2) of title 17 of the United States Code, as amended by Pub. L. 94-553, in order for secondary transmissions of cable systems to be subject to compulsory licensing.

(b) *Definitions.* (1) Amounts attributable to the "basic service of providing secondary transmissions of primary broadcast transmitters" include monthly (or other periodic) service fees for television and radio retransmission service and additional set fees. They do not include installation (including connection, relocation, disconnection, or reconnection) fees, charges for pay-cable, security, alarm or facsimile services, or charges for late payments.

(2) A "cable system" and "individual cable system" have the meanings set forth in § 201.11(a) (3) of these regulations.

(3) "F.C.C." means the Federal Communications Commission.

(4) In the case of cable systems which make secondary transmissions of all available FM radio signals, which signals are not electronically processed by the system as separate and discrete signals, an FM radio signal is "generally receivable" under the conditions set forth in § 201.11(a) (4) of these regulations.

(5) The terms "primary transmission," "secondary transmission," "local service area of a primary transmitter," "distant signal equivalent," "network station," "independent station," and "non-commercial educational station" have the meanings set forth in section 111(f) of title 17 of the United States Code, as amended by Pub. L. 94-553.

(6) A translator station is, with respect to programs both originally transmitted and re-transmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations.

(c) *Accounting Periods and Deposit.* (1) Statements of account shall cover semiannual accounting periods of (i) January 1 through June 30 and (ii) July 1 through December 31, and shall be deposited in the Copyright Office, together with the total royalty fee for such accounting periods as prescribed by section 111(d) (2) (B), (C), or (D) of title 17, within sixty calendar days from the expiration of each such accounting period.

(2) The date of deposit will be the date when both a proper statement of account and appropriate royalty fee are received in the Copyright Office.

(d) *Forms.* [Reserved]

(e) *Contents.* A Statement of Account shall be clearly and prominently identified as a "Statement of Account for Secondary Transmissions By Cable Systems," and shall include the following information:

(1) A clear designation of the accounting period covered by the statement.

(2) The designation "Owner," followed by: (A) The full legal name of the person who, or entity which, owns the cable system; (B) any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.[8]

(3) The designation "System," followed by: (A) All trade, or business names or styles used to identify the business and operation of the cable system; and (B) the full mailing address of the system. To the extent any portion of this information is identical to the information given in response to paragraph (e) (2) it need not be repeated. If all of the information called for by this paragraph is identical to the information given in response to paragraph (e) (2) of this section, the designation "System" shall be followed by the statement "as given above," or like reference.

(4) The designation "Area Served", followed by the name of the community or communities served by the system.

(5) The designation "Channels", followed by the number of channels on which the cable system made secondary transmissions to its subscribers during the period covered by the statement.

(6) The designation "Subscriber Information", followed by: (i) A brief description of each subscriber category for which a charge is made by the cable system for the basic service of providing secondary transmissions of primary broadcast transmitters; (ii) the number of subscribers to the cable system in each such subscriber category; and (iii) the charge or charges made per subscriber to each such subscriber category for the basic service of providing such secondary transmissions. For these purposes (A) the description, the number of subscribers, and the charge or charges made shall reflect the facts existing on the last day of the period covered by the statement; and (B) each entity (for example, the owner of a private home, the resident of an apartment, the owner of a motel, or the owner of an apartment house) which is charged by the cable system for the basic service of providing secondary transmissions shall be considered one subscriber.

[8] In the case of the first statement of account deposited by a cable system which has not earlier filed an Initial Notice or Notice of Change under § 201.11 of these regulations identifying the owner of the system, that statement of account shall also give the name of the person who, or entity which, was given as the operator or person or entity exercising primary control in the Initial Notice or last Notice of Change.

(7) The designation "Gross Receipts", followed by the gross amount paid to the cable system by subscribers, during the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters.

(8) The designation "Rates", followed by a description of each service furnished or made available to the cable system's subscribers for which a separate charge was made or established during the period covered by the statement, together with the amount of such charge.

(9) The designation "Primary Transmitters", followed by an identification of all primary transmitters whose signals were carried by the cable system, other than the primary transmitters of programs required to be specially identified in paragraph (e) (10) of this section, in form and together with the information listed below:

(i) For each primary transmitter which is a television station:

(A) The station call sign of the primary transmitter.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(C) The number of the channel upon which that primary transmitter broadcasts in the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(D) A designation as to whether that primary transmitter is a "network station", an "independent station", or a "noncommercial educational station".

(E) A designation as to whether that primary transmitter is a distant station. For this purpose, a primary transmitter is a "distant" station if the programming of such transmitter is carried by the cable system in whole or in part beyond the local service area of such primary transmitter.

(F) If that primary transmitter is a "distant" station a specification of whether the signals of that primary transmitter are (*1*) carried pursuant to the part-time specialty programming rules of the F.C.C.; or (2) carried pursuant to the late-night programming rules of the F.C.C.; or (3) carried on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals which it is authorized to carry. If the signals of that primary transmitter are carried on such part-time or late-night basis, the statement shall also include the dates on which such carriage occurred, and the hours during which such carriage occurred on those dates. In any case where such part-time or late-night carriage extends to the end of the broadcast day of the primary transmitter, an approximate ending hour may be given if it is indicated as an estimate.[9]

(G) The information indicated by paragraphs (e) (9) (i) (E) and (F) of this section is not required to be given by any cable system whose gross receipts from subscribers for the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters, total less than $40,000.

(ii) For each primary transmitter which is an AM radio station, or an FM radio station the signals of which were electronically processed by the system as separate and discrete signals:

(A) The station call sign of the primary transmitter, and whether it is AM or FM.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(iii) In the case of cable systems which made secondary transmissions of all available FM radio signals, which signals were not electronically processed by the system as separate and discrete signals, the statement shall: (A) identify that portion of its signal carriage as "all-band FM" or the like; (B) and shall separately identify the station call sign and community of license (or, in the case of foreign signals, of identification) of each primary transmitter of such signals whose signals were generally receivable by the system during the period covered by the statement; and (C) include a clear description of the nature and frequency of the monitoring activities and equipment used during the period to determine the identity of such signals.

(10) A special statement and program log, which shall consist of the information indicated below for all nonnetwork television programming that, during the period covered by the statement, was carried in whole or in part beyond the local service area of the primary transmitter of such programming under (i) rules or regulations of the F.C.C. requiring a cable system to omit the further transmission of a particular program and permitting the substitution of another program in place of the omitted transmission; or (ii) rules, regulations or authorizations of the F.C.C. in effect on October 19, 1976 permitting a cable system, at its election, to omit the further transmission of a particular program and permitting the substitution of another program in place of the omitted transmission:

(A) The name or title of the substitute program.

(B) Whether the substitute progrem was transmitted live by its primary transmitter.

[9] The requirement of this § 201.17(e) (9) (i) (F) that the statement include the dates and hours of carriage applies only to carriage on and after February 10, 1978.

(C) The station call sign of the primary transmitter of the substitute program.

(D) The name of the community to which the primary transmitter of the substitute program is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(E) The full date when the secondary transmission of the substitute program occurred, and the hours during which such secondary transmission occurred on that date.

(F) A designation as to (*1*) whether deletion of the omitted program was required by the rules or regulations of the F.C.C., or was permitted by the rules, regulations, or authorizations of the F.C.C. in effect on October 19, 1976; and (2) a brief statement clearly describing the legal basis for such deletion (for example: "Syndicated program exclusivity", or "program primarily of local interest to distant community").

(11) A statement of the total royalty fee payable for the period covered by the statement of account, together with a royalty fee analysis which gives a clear, complete and detailed presentation of the determination of such fee. This analysis shall present in appropriate sequence all facts, figures and mathematical processes used in determining such fee, and shall do so in such manner as will permit the Copyright Office to readily verify, from the face of the statement of account, the accuracy of such determination and fee.

(f) *Certification and Signature.* The statement of account shall be signed on its last page by the individual person identified as the person who owns the cable system, or by a duly authorized representative of such person; or, if an entity is identified as the owner, by an officer if the entity is a corporation, or by a partner if the entity is a partnership. The signature shall (1) be accompanied by the printed or typewritten name of the person signing the notice, and by the date of signature; and (2) shall be immediately preceded by the following printed or typewritten statement:

I certify that I have examined this statement of account and that all statements of fact contained herein are true, complete, and correct to the best of my knowledge, information, and belief, and are made in good faith.

[FR Doc.78-168 Filed 1-3-78;8:45 am]

[1410-03]

[Docket RM 77-17]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Renewal of Copyright

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting an interim regulaiton to implement section 304(a) of the Act for General Revision of the Copyright Law. This section pertains to claims to renewal copyright in subsisting copyrights in their first term on January 1, 1978. The effect of the interim regulations is to prescribe conditions for the registration of such claims to renewal copyright. These regulations are issued on an interim basis in order to allow persons to apply for and secure renewal registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

DATES: The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Paragraph (a) of section 304 of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that "any copyright, the first term of which is subsisting on January 1, 1978," endures for 28 years from the date it was originally secured, and that a second term of copyright, lasting 47 years, can be secured by certain designated claimants if an application for renewal is made to the Copyright Office "within one year prior to the expiration of the original term of copyright." With one exception, this provision is essentially a reenactment of the renewal provision in effect before 1978; the exception involves the lengthening of the second (renewal) term from 28 to 47 years. It applies to works originally copyrighted between January 1, 1950, and December 31, 1977.

We are implementing the provisions of paragraph (a) of section 304, by the revision of § 202.17 of the regulations of the Copyright Office. In order to allow persons to apply for and secure renewal registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and our Office the benefit of experience with the new renewal form before issuing final regulations. Accordingly, the regulation is issued on an interim basis and comments will be received until the date set forth above. Final regulations will be issued after the close of the comment period.

The interim regulation is essentially self-explanatory; however, the following points should be noted:

(1) Section 305 of the new law provides that "all terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire." This involves a change in the renewal time-limits. Since all copyright terms will expire on December 31 of their last year, and since renewal claims must be registered "within one year prior to the expiration of the original term of copyright," all periods for renewal registration will run from December 1st of the 27th year of the copyright, and will end on December 31st of the following year. This change is reflected in the revised regulation.

(2) Comments are invited generally on problems that have arisen under the pre-1978 renewal provisions that could be considered in Copyright Office regulations. In addition, specific comments are invited on two points:

(i) The necessity for original registration as a basis for renewal registration in the case of foreign works protected under the Universal Copyright Convention; and

(ii) The correct renewal claimant and statement of claim in cases where the author has no surviving widow, widower, or children and left a will naming executors, but the executors have been discharged. *Interim Regulation.* Part 202 of 37 CFR, Chapter II, is amended by revising § 202.17, on an interim basis, to read as follows:

§ 202.17 Renewals.

(a) *Renewal Time-Limits.* (1) For works originally copyrighted between January 1, 1950 and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year of the copyright, and runs through December 31 of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(2) Whenever a renewal applicant has cause to believe that a formal application for renewal (Form RE), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by 17 U.S.C. section 304(a), he or she

may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

(b) *Application for Renewal Registration.* (1) For the purpose of renewal registration, the Register of copyrights has prescribed a form (Form RE) to be used for all renewal applications submitted on and after January 1, 1978. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2) (i) An application for copyright registration may be submitted by any renewal claimant, or the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be submitted on Form RE, and shall be accompanied by a fee of $6. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) the handwritten signature of such claimant or agent, accompanied by the typed or printed name of that person; (C) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (D) the date of certification.

(c) *Renewal Claimants.* Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(17 U.S.C. 207, and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 94-553: Secs. 304, 305, 702, 708.)

Dated: December 30, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc.78-164 Filed 1-3-78;8:45 am]

[1410-03]

[Docket RM 77-16]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Copyright Registrations

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting an interim regulation to implement sections 408 and 409 of the Act for General Revision of the Copyright Law. These sections pertain to copyright registration. The effect of the interim regulations is to establish requirements governing the classification of works for copyright registration and the form and content of applications for copyright registration. These regulations are issued on an interim basis in order to allow persons to apply for and secure copyright registration immediately on and after the effective date of the statute, while permitting full public comment before the issuance of final regulations.

DATES: The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal Mall Building No. 2, Room 519, Arlington, Virginia, or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Paragraph (a) of section 408 of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that "at any time during the subsistence of copyright in any published or unpublished work, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office" an application for registration, together with the necessary fee and deposit. Paragraph (c) of that section authorizes the Register of Copyrights to "specify by regulation" the administrative classes into which works are to be placed for purposes of registration. Section 409 provides that the application for registration "shall be made on a form prescribed by the Register of Copyrights" and include certain specified items of information, as well as "any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright."

We are implementing these provisions by the revision of § 202.3 of the regulations of the Copyright Office. In order to allow persons to apply for and secure copyright registration immediately upon and after the effective date of the new Copyright Act, this regulation is effective on January 1, 1978. However, we do wish to give the public full opportunity to comment on the regulations, and to give both the public and the Copyright Office the benefit of experience with the new application forms before issuing final regulations. Accordingly, the regulation is issued on an interim basis and comments will be received until the date set forth above. Final regulations will be issued after the close of the comment period.

The interim regulation is essentially self explanatory; however, the following points should be noted:

(1) In a Notice of Inquiry published on September 16, 1977 (42 FR 48944) we raised certain issues related to registration. Prompted by the implications of that Notice, several comments, including a persuasive practical and legal analysis prepared by the Authors League of America, Inc., strongly urged that the copyright "claimant" to be identified in an application and registration under section 409(c) of the Act not be equated with the owner of one or more, but less than all, of the rights under a copyright. We agree with the view expressed in these comments; we do not believe that the concept of "divisibility of copyright" was intended to allow the owner of an individual right or rights to claim, or appear to claim, on our records, ownership of the entire copyright. As pointed out in the comments, such a result would lead to a misleading and inaccurate public record, and subvert the purpose of the registration system. Accordingly, interim § 202.3(a)(3) makes clear that the copyright "claimant" for purposes of copyright registration is the author of the work for which registration is sought, or a person or organization that has obtained ownership of all rights under the copyright initially belonging to the author.

(2) In the same Notice of Inquiry, we stated that the general rule envisioned by the new Act, as under the current law, was that only one registration should be made for the same version of a particular work. Although a few comments questioned this principle, we believe that the history, language and structure of the statute is clear on the point, and we adhere to the position expressed. Indeed, the allowance of multiple registrations for the same work

would thoroughly confuse the public record designed to be made by the registration system, and would serve no purpose under the definition of "claimant". Moreover, as explained in the Notice, the allowance of multiple registrations could be taken to suggest that, in view of the inducements to registration offered by the statute, the owner of each particular right would be forced, as a practical matter, to make registration to enforce that right. This was certainly not the intention of the statute. Accordingly, interim § 202.3(b)(6) adopts the principle of "one basic registration per work," and sets forth the exceptions to that principle discussed in the Advance Notice.

(3) Section 408(c)(2) of the Act directs the Register of Copyrights to establish regulations permitting a single registration, on the basis of a single application and fee, for a group of contributions to periodicals by the same individual author in certain cases. These regulations, which essentially follow the conditions set forth in the statute, are incorporated in paragraph (b)(5) of interim § 202.3. Also, interim § 202.3(b)(3), which is based on existing Copyright Office practices, provides for a single registration, as a single work and with a single fee, of "collections" of unpublished works and multiple copyrightable elements included in a single published work. However, we have reserved for implementation in a separate proceeding, the possibility of providing for "a single registration for a group of "related works" under paragraph (c)(1) of section 408. We invite comments and suggestions as to the types of related works that could appropriately be covered by group registration under section 408(c)(1), together with suggestions as to the deposit and registration requirements that might be applicable in these cases.

Interim Regulation. Part 202 of 37 CFR, Chapter II is amended by: (i) Revoking §§ 202.4, 202.5, 202.6, 202.7, 202.8, 202.9, 202.11, 202.13, and 202.15a in their entirety; (ii) revoking paragraphs (a) and (c) of § 202–10, paragraphs (a) and (b) of § 202.12, and paragraphs (a) and (b) of § 202.14; and (iii) revising § 202.3, on an interim basis, to read as follows:

§ 202.3 Registration of copyright.

(a) *General.* (1) This section prescribes conditions for the registration of copyright, and the application to be made for registration, under sections 408 and 409 of title 17 of the United States Code, as amended by Pub. L. 94–553.

(2) For the purposes of this section, the terms "audiovisual work", "compilation", "copy", "derivative work", "device", "fixation", "literary work", "motion picture", "phonorecord", "pictorial, graphic and sculptural works", "process", "sound recording", and their variant forms, have the meanings set forth in section 101 of title 17. The term "author" includes an employer or other person for whom a work is "made for hire" under section 101 of title 17.

(3) For the purposes of this section, a copyright "claimant" is either:

(i) The author of a work;

(ii) A person or organization that has obtained ownership of all rights under the copyright initially belonging to the author.[1]

(b) *Administrative Classification and Application Forms*—(1) *Classes of Works.* For the purpose of registration, the Register of Copyrights has prescribed four classes of works in which copyright may be claimed. These classes, and examples of works which they include, are as follows:

(i) *Class TX: Nondramatic Literary Works.* This class includes all published and unpublished nondramatic literary works. Examples: Fiction; nonfiction; poetry; textbooks; reference works; directories; catalogs; advertising copy; periodicals and serials; and compilations of information.

(ii) *Class PA: Works of the Performing Arts.* This class includes all published and unpublished works prepared for the purpose of being performed directly before an audience or indirectly by means of a device or process. Examples: Musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; and motion pictures and other audiovisual works.

(iii) *Class VA: Works of the Visual Arts.* This class includes all published and unpublished pictorial, graphic, and sculptural works. Examples: Two dimensional and three dimensional works of the fine, graphic, and applied arts; photographs; prints and art reproductions; maps, globes, and charts; technical drawings, diagrams, and models; and pictorial or graphic labels and advertisements.

(iv) *Class SR: Sound Recordings.* This class includes all published and unpublished sound recordings fixed on and after February 15, 1972. Claims to copyright in literary, dramatic, and musical works embodied in phonorecords may also be registered in this class under paragraph (b)(3) of this section if: (A) Registration is sought on the same application for both a recorded literary, dramatic, or musical work and a sound recording; (B) the recorded literary, dramatic, or musical work and the sound recording are embodied in the same phonorecord; and (C) the same claimant is seeking registration of both the recorded literary, dramatic, or musical work and the sound recording.

(2) *Application Forms.* For the purpose of registration, the Register of Copyrights has prescribed four basic forms to be used for all applications submitted on and after January 1, 1978. Each form corresponds to a class set forth in paragraph (b)(1) of this section and is so designated ("Form TX"; "Form PA"; "Form VA"; and "Form SR"). Copies of the forms are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559. Applications should be submitted in the class most appropriate to the nature of the authorship in which copyright is claimed. In the case of contributions to collective works, applications should be submitted in the class representing the copyrightable authorship in the contribution. In the case of derivative works, applications should be submitted in the class most appropriately representing the copyrightable authorship involved in recasting, transforming, adapting, or otherwise modifying the preexisting work. In cases where a work contains elements of authorship in which copyright is claimed which fall into two or more classes, the application should be submitted in the class most appropriate to the type of authorship that predominates in the work as a whole. However, in any case where registration is sought for a work consisting of or including a sound recording in which copyright is claimed[2] the application shall be submitted on Form SR.

(3) *Registration as a Single Work.* (i) For the purpose of registration on a single application and upon payment of a single registration fee, the following shall be considered a single work:

(A) In the case of published works: All copyrightable elements that are otherwise recognizable as self-contained works, that are included in a single unit of publication, and in which the copyright claimant is the same; and

(B) In the case of unpublished works: all copyrightable elements that are otherwise recognizable as self-contained works, and are combined in a single unpublished "collection". For these purposes, a combination of such elements shall be considered a "collection" if: (*1*) The elements are assembled in an orderly form; (2) the combined elements bear a single title identifying the collection as a whole; (3) the copyright claimant in all of the elements, and in the collection as a whole, is the same; and (*4*) all of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element. Registration of an unpublished "collection" extends to each copyrightable element in the collection and to the authorship, if any, involved in selecting and assembling the collection.

[1] This category includes a person or organization that has obtained, from the author or from an entity that has obtained ownership of all rights under the copyright initially belonging to the author, the contractual right to claim legal title to the copyright in an application for copyright registration.

[2] A "sound recording" does not include the sounds accompanying a motion picture or other audiovisual work (17 U.S.C. 101). For this purpose, "accompanying" does not require physical integration in the same copy. Accordingly, registration may be made for a motion picture or audiovisual kit in Class PA and that registration will cover the sounds embodied in the "sound track" of the motion picture or on disks, tapes, or the like included in the kit. Separate application in Class SR is not appropriate for these elements.

(ii) In the case of applications for registration made under paragraphs (b) (3) and (b) (5) of this section, the "year in which creation of this work was completed", as called for by the application, means the latest year in which the creation of any copyrightable element was completed.

(4) *Group Registration of Related Works.* [Reserved]

(5) *Group Registration of Contributions to Periodicals.* (i) As provided by section 408(c)(2) of title 17 of the United States Code, as amended by Pub. L. 94-553, a single registration, on the basis of a single application, deposit, and registration fee, may be made for a group of works if all of the following conditions are met:

(A) All of the works are by the same author;

(B) The author of each work is an individual, and not an employer or other person for whom the work was made for hire;

(C) Each of the works first published as a contribution to a periodical (including newspapers) within a twelve-month period;[3]

(D) Each of the works as first published bore a separate copyright notice, and the name of the owner of copyright in each work (or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner) was the same in each notice; and

(E) The deposit accompanying the application consists of one copy of the entire issue of the periodical, or of the entire section in the case of a newspaper, in which each contribution was first published.

(ii) An application for group registration under section 408(c)(2) of title 17 and this § 202.3(b)(5) shall consist of: (A) A basic application for registration on Form TX, Form PA, or Form VA,[4] which shall contain the information required by the form and its accompanying instructions; (B) an adjunct form prescribed by the Copyright Office and designated "Adjunct Application for Copyright Registration for a Group of Contributions to Periodicals (Form GR/CP)", which shall contain the information required by the form and its accompanying instructions; and (C) a fee of $10 and the deposit required by paragraph (b)(5)(i)(E) of this section.

[3] This does not require that each of the works must have been first published during the same calendar year; it does require that, to be grouped in a single application, the earliest and latest contributions must not have been first published more than twelve months apart.

[4] The basic application should be filed in the class appropriate to the nature of authorship in the majority of the contributions. However, if any of the contributions consists preponderantly of nondramatic literary material that is in the English language, the basic application for the entire group should be submitted on Form TX.

(6) *One Registration Per Work.* As a general rule only one copyright registration can be made for the same version of a particular work. However:

(i) Where a work has been registered as unpublished, another registration may be made for the first published edition of the work, even if it does not represent a new version;

(ii) Where someone other than the author is identified as copyright claimant in a registration, another registration for the same version may be made by the author in his or her own name as copyright claimant;[5]

(iii) Where an applicant for registration alleges that an earlier registration for the same version is unauthorized and legally invalid, a registration may be made by that applicant; and

(iv) Supplementary registrations may be made, under the conditions of § 201.5 of these regulations, to correct or amplify the information in a registration made under this section.

(c) *Application for Registration.* (1) An application for copyright registration may be submitted by any author or other copyright claimant of a work, or the owner of any exclusive right in a work, or the duly authorized agent of any such author, other claimant, or owner.

(2) An application for copyright registration shall be submitted on the appropriate form prescribed by the Register of Copyrights under paragraph (b) of this section, and shall be accompanied by a fee of $10 and the deposit required under 17 U.S.C. 408 and § 202.20 of these regulations.[6] The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (i) A designation of whether the applicant is the author of, or other copyright claimant or owner of exclusive rights in, the work, or the duly authorized agent of such author, other claimant, or owner (whose identity shall also be given); (ii) the handwritten signature of such author, other claimant, owner, or agent, accompanied by the typed or printed name of that person; (iii) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (iv) the date of certification. An application for registration of a published work will not be accepted if the date of certification is earlier than the date of publication given in the application.

[5] An "author" includes an employer or other person for whom a work is "made for hire" under 17 U.S.C. 101. This paragraph does not permit an employee or other person working "for hire" under that section to make a later registration in his or her own name. In the case of authors of a joint work, this paragraph does permit a later registration by one author in his or her own name as copyright claimant, where an earlier registration identifies only another author as claimant.

[6] In the case of applications for group registration of contributions to periodicals under paragraph (b)(5) of this section, the deposit shall comply with paragraph (b)(5)(i)(E). Only one $10 fee is required in such cases.

§§ 202.4, 202.5, 202.6, 202.7, 202.8, 202.9, 202.11, 202.13 and 202.15 [Revoked]

§§ 202.10, 202.12 and 202.14 [Amended]

(17 U.S.C. 207; and under the following sections of title 17 of the U.S. Code as amended by Pub. L. 94-553: Secs. 408; 409; 410; 702.)

Dated: December 30, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc.78-167 Filed 1-3-78;8:45 am]

[1505-01]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-8]

PART 15-1—GENERAL

Miscellaneous Amendments

Correction

In FR Doc. 77-36268 appearing at page 63783 in the issue for Tuesday, December 20, 1977, make the following changes:

(1) On page 63784, second column, in § 15-1.313(d)(29), in the second and third lines, "(see FPR 1-103(b));" should have read "(see FPR 1-3.103(b));".

(2) On page 63785, at the bottom of the first column, under "Subpart 15-7.1—Small Business Concerns", in the amendatory sentence, § 15-1.704 was incorrectly referred to as "Section 15-704".

(3) On page 63787, middle column, the section heading numbered "§ 15-15.5002-2" should have been numbered "§ 15-1.5002-2".

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-226]

PART 188—GENERAL PROVISIONS

Vessels Carrying Hazardous Liquids in Bulk; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: On page 49027 of the FEDERAL REGISTER of September 26, 1977 (42 FR 49016, CGD 73-96), the Coast Guard amended table 188.05-1(a) to include tankers carrying hazardous chemicals in bulk. This rule corrects that amendment.

EFFECTIVE DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Mr. Robert Query, Project Manager, Office of Merchant Marine Safety, and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE REGULATION

Table 188.05-1(a) of Title 46 shows what regulations various types of vessels come under. The same table is repeated a number of times in Title 46.

In 42 FR 49016 the Coast Guard amended table 188.05-1(a) and the duplicate tables in other parts of Title 46 by making some additions to column 8 and its footnotes. However, an earlier change to the tables had failed to add column 8 to table 188.05-1(a). This final rule corrects the earlier omission by adding column 8 and its footnotes. Accordingly, the Coast Guard finds under 5 U.S.C. 553(b)(3)(B) that a notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended as follows:

1. In §188.05-1(a) the table is amended by adding column 8 and footnotes 10, 11, and 12 to read as follows:

§ 188.05-1 Vessels subject to requirements of this subchapter.

* * * * *

Col. 1	Col. 2	* * *	Vessels subject to the provisions of Subch. O—Certain Bulk Dangerous Cargoes [10] Col. 8
Steam	Vessels not over 65 ft in length		All vessels carrying in bulk the cargoes listed in table I of pt. 153 and table 4 of pt. 154.[12]
	Vessels over 65 ft in length		Do.
Motor	Vessels not over 15 gross tons		Do.
	Vessels over 15 gross tons except seagoing motor vessels of 300 gross tons and over.		Do.
	Seagoing motor vessels of 300 gross tons and over.		Do.
Sail	Vessels not over 700 gross tons		Do.
	Vessels over 700 gross tons		Do.
Non-self-propelled	Vessels less than 100 gross tons		All tank barges [11] carrying certain flammable and combustible liquid and liquefied gases in bulk.
	Vessels 100 gross tons or over		Do.

* * * * * *

[10] Bulk dangerous cargoes are cargoes specified in table 151.01-10(b), in table I of pt. 153, and in table 4 of pt. 154 of this chapter.
[11] For manned tankbarges see sec. 151.01-10(e) of this chapter.
[12] Except those excluded under 46 U.S.C. 170 or 391a, as the case may be.

* * * * * *

(49 USC 1804(a), 49 CFR 1.46(t))

Effective date: This rule is effective immediately under 5 U.S.C. 553(d) because this column appears in other tables in the title and it has no substantive effect.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 28, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.78-157 Filed 1-4-78;8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Republication of the List of Species; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This corrects an error that appeared in the Republication of the list of species which was published in the FEDERAL REGISTER on July 14, 1977.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (202) 343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In FR Doc. 77-19985, appearing at page 36421 in the FEDERAL REGISTER of Thursday, July 14, 1977, the following changes should be made:

1. Under common name, the entry for "Gazelle, Dorcas" is corrected to read "Antelope, Bontebok."

2. Under scientific name, the entry for *"Gazella dorcas dorcas"* is corrected to read *"Damaliscus dorcas dorcas."*

The author of this correction is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

NOTE.—The Service has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 23, 1977.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc.78-111 Filed 1-4-78;8:45 am]

[4310-55]

PART 21—MIGRATORY BIRD PERMITS

States Meeting Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds eleven States to the list of States where falconry laws have been determined by the Director to meet or exceed the minimum Federal standards. Falconry may now be practiced in the States listed in 50 CFR 21.29.

DATE: January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Danny M. Searcy, Special Agent, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20040, telephone 202-343-9242.

SUPPLEMENTARY INFORMATION: On January 15, 1976 (41 FR 2237) the Service issued regulations which provided for the review and approval of State falconry laws. If a given State's laws were approved, the State would be listed in 50 CFR 21.29(k), and falconry permitted therein pursuant to a system of joint Federal-State permits. Utilizing the criteria established in 50 CFR 21.29, the Director reviewed and approved falconry laws of 25 States, and on August 23, 1977, published the list of States in the FEDERAL REGISTER (42 FR 42353).

The Director has now reviewed and approved the falconry laws of the eleven States listed below.

Upon publication of this amended § 21.29(k) in the FEDERAL REGISTER, the practice of falconry in the States listed shall be governed by 50 CFR 21.28 as amended, and 21.29.

The primary author of this document is Margaret Cash, Regulations Coordinator, Divisions of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

Accordingly, § 21.29(k) of Part 21 of Chapter I of Title 50 of the Code of Federal Regulations is amended by alphabetically adding the following:

§ 21.29 Federal falconry standards.

* * * * *

(k) * * *

*California	*Montana
*Illinois	*Nevada
*Louisiana	*Oregon
*Maine	*Texas
*Maryland	*Wisconsin
*Michigan	

NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Dated: December 29, 1977.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

[FR Doc. 78–106 Filed 1–4–78;8:45 am]

[3410–01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF SECRETARY OF AGRICULTURE

[Amdt. 2]

PART 16—LIMITATION ON IMPORTS OF MEAT

Section 204 Import Regulations; Transshipment

RESTRICTIONS WITH RESPECT TO AUSTRALIAN AND NEW ZEALAND MEAT

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations set forth in this Subpart are amended to prohibit entry of certain meats from Australia and New Zealand unless such meats are exported to the United States as direct shipments or on a through bill of lading. This action is necessary to carry out agreements with Australia and New Zealand concluded pursuant to Section 204 of the Agricultural Act of 1956.

EFFECTIVE DATE: January 1, 1978. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

John E. Riesz (FAS), 202–447–7217 Dairy, Livestock and Poultry Division, FAS, USDA, Room 6621, South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: These agreements cover meat of Australian or New Zealand origin described in items 106.10 and 106.20 of the Tariff Schedules of the United States (TSUS) and meat which would fall within such TSUS items, but for processing in Foreign-Trade Zones, territories or possessions of the United States prior to entry, or withdrawal from warehouse, for consumption in the United States Customs Territory.

This regulation limits the entry or withdrawal from warehouse for consumption in the United States of such meat of Australian or New Zealand origin unless such meat is exported into the Customs Territory of the United States, as direct shipments or on a through bill of lading to the United States. The regulations also provides that such meat if processed in Foreign-Trade Zones, territories or possessions of the United States may not be entered or withdrawn from warehouse for consumption in the United States unless exported into the Customs Territory of the United States as direct shipments or on a through bill of lading to the United States from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

By E.O. 11539, dated June 30, 1970, the Secretary of Agriculture was authorized with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, to issue regulations governing the entry or withdrawal from warehouse for consumption in the United States of meat to carry out such bilateral agreements and to request the Commissioner of Customs to implement such action.

EFFECTIVE DATE

In order to carry out these agreements, the regulations must be effective January 1, 1978. Since the action taken herewith involves foreign affairs functions of the United States, this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

Subpart A, Section 204 Import Regulations, of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 16.4 is amended to read as follows:

§ 16.4 Transshipment restrictions.

(a) No meat of Australian or New Zealand origin may be entered or withdrawn from warehouse for consumption in the United States unless (1) it is exported into the Customs Territory of the United States as direct shipments or on a through bill of lading from the country of origin or (2) if processed in Foreign-Trade Zones, territories or possessions of the United States it is exported into the Customs Territory of the United States as direct shipments or on a through bill of lading from the Foreign-Trade Zone, territory or possession of the United States in which it was processed.

§ 16.5 [Reserved]

* * * * *

2. Paragraphs (a), (b) and (c) of § 16.5 "Quantitative restrictions" are deleted and reserved.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733).)

Issued at Washington, D.C. this 30th day of December 1977.

BOB BERGLAND,
Secretary.

[FR Doc.78–105 Filed 1–4–78;8:45 am]

[3410–02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 423, Amdt. 1; Navel Orange Reg. 424]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 6–12, 1978, and increases the quantity of such oranges that may be so shipped during the period December 30, 1977–Jan. 5, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective January 6, 1978, and the amendment is effective for the period December 30, 1977–Jan. 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202–447–6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on December 30, 1977, and January 3, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good on all sizes at this time.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.724 Navel orange regulation 424.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 6, 1978 through January 12, 1978, are established as follows:

(1) District 1: 800,000 cartons;
(2) District 2: unlimited movement;
(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

2. The provisions of paragraph (a) (1) (2) and (3) in § 907.723 Navel Orange Regulation 423 (42 FR 64897), are hereby amended to read:

§ 907.723 Navel orange regulation 423.

(a) * * *
(1) District 1: 800,000 cartons;
(2) District 2: unlimited movement;
(3) District 3: unlimited movement.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: January 4, 1977.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-3764 Filed 1-4-78;11:29 am]

[3410-02]

[Lemon Regulation 125, Amdt. 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped during the period December 25–31, 1977. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The amendment is effective for the period December 25–31, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202–447–6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on December 28, 1977, to consider supply and market conditions and other factors affecting the need for regulation, and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports order business for lemons is much heavier than anticipated for the current week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until February 6, 1977 (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

§ 910.425 Lemon Regulation 125.

The provisions of paragraph (a) in § 910.425 Lemon Regulation 125 (42 FR 64360) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period December 25 through 31, 1977, is established at 240,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: December 30, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-101 Filed 1-4-78;8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

[Docket No. RM-50-3]

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management; Continuance of Hearing Date

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of continuance of hearing date.

SUMMARY: The notice advises the parties in the proceeding that the hearing, scheduled for January 9, 1978, is continued by the Hearing Board to January 16, 1978. An earlier notice of reopened hearing establishing procedures was published May 26, 1977 (42 FR 26987).

DATE: January 16, 1978 at 10:00 a.m.

ADDRESS: Commission's Hearing Room (fifth floor), East-West Towers Building, 4350 East-West Highway, Bethesda, Md.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank L. Ingram, Office of Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301–492–7715.

CONTINUANCE OF HEARING DATE

In the matter of Amendment of 10 CFR Part 51—Licensing of Production and Utilization Facilities (Environmental Effects of the Uranium Fuel Cycle).

In the matter of Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste. Docket No. RM-50-3.

ORDER

The parties to the above captioned rule making proceeding are advised that the hearing will not commence as scheduled on Monday, January 9, 1978 at 10 a.m., because of the unavailability of the Chairman of the Hearing Board.

Accordingly, the Hearing Board is continuing the date for commencement of the Hearing until Monday, January 16, 1978, when the Chairman of the Hearing Board is expected to be available to preside.

The Hearing Board will issue an Order by Wednesday, January 4, 1978 outlining further procedures which the parties to this proceeding will be expected to adhere to during the course of oral presentations. In addition, the Hearing Board will act on a number of late-filed petitions and pleadings, and otherwise dispose of matters raised by various parties in this proceeding for consideration by the Hearing Board.

It is so ordered.

Hearing Board.

MICHAEL L. GLASER,
Chairman.

[FR Doc.78-195 Filed 1-4-78;8:45 am]

[1505-01]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-103/112; Amdt No. 172-39]

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Extension of Placarding Compliance Date

Correction

In FR Doc.77-32522, appearing at page 58522 in the issue of Thursday, November 10, 1977, the table on page 58524 should read as follows:

If this subpart requires the motor vehicle to be placarded:	*The motor vehicle may be marked or placarded in the format, letter size and color prescribed in 49 CFR 177.823 in effect on June 30, 1976:*
Explosives A	Explosives A.
Explosives B	Explosives B.
Nonflammable Gas	Compressed Gas.
Flammable Gas	Flammable Gas.
Combustible	Combustible or Flammable.
Flammable	Flammable
Flammable Solid	Do.
Corrosive	Corrosives.
Poison	Poison.
Oxidizer	Oxidizers.
Radioactive	Radioactive
Dangerous	Dangerous

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. NO. 1292]

PART 1033—CAR SERVICE

Railroads Authorized To Divert Traffic Consigned to Continental Grain Corp. Elevator Located at Westwego, La.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1292).

SUMMARY: The grain elevator owned by Continental Grain Corp. at Westwego, La., was destroyed by explosion and fire on December 22, 1977. Service Order No. 1292 authorizes diversion of carloads of grain on hand or enroute to this elevator on or before December 24, 1977, to any other grain elevator on the Gulf of Mexico without assessment of diversion or reconsigning charges and subject to the through rates from origin to the new destination.

DATES: Effective December 30, 1977. Expires January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December 1977.

On December 22, 1977, the grain elevator owned by Continental Grain Corporation at Westwego, Louisiana, was destroyed by an explosion and fire. Approximately three hundred (300) carloads of grain were on hand or in transit for unloading by this elevator at the time of its destruction.

Rebuilding of the elevator cannot be accomplished within a reasonable time. Other arrangements for the unloading of these cars will require diversion and reconsignment of many of them in a manner prohibited by the applicable tariffs. It is the opinion of the Commission that such diversions and reconsignments are necessary in the public interest to enable the prompt unloading of these cars and their continued use in transportation service and to enable the fulfillment of export grain commitments; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1292 Service Order No. 1292.

(a) *Railroads authorized to divert traffic consigned to Continental Grain Corporation elevator located at Westwego, Louisiana.* Any railroad holding a car loaded with grain consigned, reconsigned or intended for unloading by the grain elevator owned by Continental Grain Corporation, and located at Westwego, Louisiana, which originated on or before December 24, 1977, and which cannot be unloaded by Continental Grain Corporation because of the destruction of its grain elevator, may be reconsigned, diverted or reshipped to any other grain elevator in the United States which is located on the Gulf of Mexico. In the application of this section grain elevators located on the lower Mississippi River from Port Allen, Louisiana, to the mouth of the river and grain elevators located on the Houston, Texas, ship channel shall be deemed to be located on the Gulf of Mexico.

(b) *Reconsignment and diversions charges.* Carloads of grain reconsigned, diverted, or reshipped under the provisions of this order shall not be subject to reconsignment or diversion charges provided in the applicable tariffs.

(c) *Rates applicable.* The rates applicable to carloads of grain reconsigned, diverted or reshipped under the provisions of this order shall be the rates that would have been applicable on the shipments at the time of shipment had they been originally destined to the point to which reconsigned, diverted or reshipped. When the applicable tariffs provide routes from origin to the new destination via the line and the point at which the car is held, such routes must be utilized for the rerouting, diversion or reshipment. When no such route exists any available route may be used. In the application of this section cars which have arrived at Westwego, Louisiana, and which are located on a line performing only terminal or intermediate switching service shall be considered as being held by the inbound line-haul carrier.

(d) *Divisions of Revenues.* In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) *Waybills to be endorsed.* Waybills authorizing movement of cars reconsigned, diverted or reshipped under this order shall be endorse as follows: "(Reconsigned) (Diverted) (Reshipped) authority I.C.C. Service Order No. 1292".

(f) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) *Effective date.* This order shall become effective at 12:01 a.m., December 30, 1977.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns and John R. Michael. Member Robert S. Turkington not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.78-169 Filed 1-4-78;8:45 am]

[7035-01]

[S.O. No. 1291]

PART 1033—CAR SERVICE

Lamoille Valley Railroad Co. Authorized to Operate Over Tracks Owned by State of Vermont and Formerly Operated by Vermont Northern Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1291).

SUMMARY: The State of Vermont owns a line of railroad between St. Johnsbury and Swanton, Vermont, which has been operated by Vermont Northern Railroad Company on behalf of the State. This operating lease is being cancelled, and the State has entered into an operating agreement with Lamoille Valley Railroad Company to operate this line commencing January 1, 1978. Service Order No. 1291 authorizes the Lamoille Valley Railroad Company to operate this line pending disposition of its application for permanent authority in order to provide uninterrupted rail service to shippers in northern Vermont.

DATES: Effective 11:59 p.m., January 1, 1978. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of December 1977.

The State of Vermont (State) owns 99.4 miles of railroad extending between St. Johnsbury, Vermont, and Swanton,

Vermont. On December 31, 1977, the State will terminate its operating agreement with the Vermont Northern Railroad Company (VTN) which presently operates this line. The State has designated the Lamoille Valley Railroad Company as its agent to operate this line and has entered into an operating agreement with the Lamoille Valley Railroad to commence immediate operation of this line upon obtaining appropriate authority from this Commission. Application will be filed with the Commission seeking permanent authority for Lamoille Valley Railroad Company to operate over the aforementioned trackage. If service over this line is not continued, numerous shippers on the line will be left without essential railroad service.

It is the opinion of the Commission that operation by the Lamoille Valley Railroad Company over these tracks owned by the State and formerly operated by VTN is necessary in the interest of the public pending disposition of the application of Lamoille Valley seeking permanent authority to operate over these tracks; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1291 Service Order No. 1291.

(a) *Lamoille Valley Railroad Company is authorized to operate over tracks owned by State of Vermont and formerly operated by Vermont Northern Railroad Company.* The Lamoille Valley Railroad Company is authorized to operate over tracks owned by the State of Vermont between St. Johnsbury, Vermont, and Swanton, Vermont, formerly operated by the Vermont Northern Railroad Company, together with all necessary auxiliary tracks, spurs, etc., a total distance of 99.4 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of the Lamoille Valley seeking authority to operate over these aforementioned tracks.

(d) *Rates applicable.* Inasmuch as this operation by the Lamoille Valley over tracks previously operated by the Vermont Northern is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via Vermont Northern, until tariffs naming rates and routes specifically applicable via the Lamoille Valley become effective.

(e) In transporting traffic over these lines, the Lamoille Valley and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., January 1, 1978.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington not participating.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.78-171 Filed 1-4-78;8:45 am]

[7035-01]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 272]

AMENDMENTS TO REGULATIONS GOVERNING CONTENT OF TARIFFS AND EMBARGOES

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is eliminating some of the regulations which govern provision of c.o.d., freight-collect, and order-notify services. These broad regulations are being replaced with a case-by-case approach because the regulations would have created more problems than would have been solved. The Commission intends to regulate c.o.d., freight-collect, and order-notify services in the manner in which other similar services are regulated. The amendments are intended to reinstate the regulations which were in effect prior to the institution of this pro-

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Office of Proceedings, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: By order served January 7, 1971, the Commission undertook a general investigation and rulemaking proceeding to study problems surrounding the provision of c.o.d., freight-collect, and order-notify services by regulated carriers. In C.O.D. and Freight-Collect Shipments, 343 I.C.C. 692 (1973), the Commission prescribed regulations intended to effect its findings that regulated carriers should provide c.o.d., freight-collect, and order-notify services upon reasonable request, and that carriers should end restrictions on the provision of these services. The effectiveness of these regulations was stayed pending disposition of petitions for reconsideration, and the regulations never became effective.[1] However, the regulations were inadvertently published in the Code of Federal Regulations.

Upon reconsideration, the Commission concluded that the prescribed regulations would be unduly burdensome because they would create more problems than they would solve. A case-by-case approach was found to be a more efficient way of regulating c.o.d., freight-collect, and order-notify services. Accordingly, the Code of Federal Regulations must be amended to restore the regulations which were in effect prior to the institution of this proceeding.

The prescribed regulations added nine new subparts, and deleted one existing subpart. Correction requires reversal of that process. Therefore, the Code of Federal Regulations will be amended by deleting the subparts which the prescribed regulations added, and by restoring the subpart which the prescribed regulations deleted.

H. G. Homme, Jr.,
Acting Secretary.

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

Chapter X of Title 49 of the Code of Federal Regulations is amended by deleting §§ 1006.1, 1006.2, 1006.3, 1006.4, 1300.4 (e), 1304.4(k), 1307.27(k)(3), 1308.4(k), and 1309.6; and by adding part 1059, Embargoes, as set forth below:

PART 1059—EMBARGOES

Sec.
1059.1 Carriers to give public notice of embargoes.

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[1] Editorial Note: The stay of effectiveness was not published in the Federal Register.

Sec
1059.2 Notice of delay in performing service
1059.3 Carrier's duty to transport unaffected

AUTHORITY 49 Stat 546, as amended, 49 U.S.C. 304, unless otherwise noted

§ 1059.1 Carriers to give public notice of embargoes.

(a) Whenever any motor common carrier of property subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier, it is or will be unable to perform all authorized transportation services requested of it and that it will be necessary for it temporarily to suspend the offering of service in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

(b) Immediately upon the issuance of a notice of an embargo as required by paragraph (a) of this section, one copy of such notice shall be mailed to the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, two copies shall be mailed or delivered to the Regional Director of the Interstate Commerce Commission in the Region where the principal headquarters of the carrier is located, one copy shall be posted for public inspection in each office of the carrier where the embargo is to be made effective, one copy shall be served upon each connecting carrier with whom the issuing carrier interchanges traffic in cases where traffic so interchanged is affected, and, so far as is reasonably practicable in each case, the embargo shall be brought to the attention of interested shippers and consignees.

(c) Except in instances when the notice of an embargo specifies the date of its expiration, a notice of the termination or modification of an embargo shall be issued, posted, and filed by the carrier, and notice of such termination shall be given to interested shippers, consignees, and connecting lines, in the same manner as prescribed for notice of the establishment of an embargo in paragraph (b) of this section.

§ 1059.2 Notice of delay in performing service.

In all instances, other than those specified in § 1059.1, when a motor common carrier of property subject to the Interstate Commerce Act, is unable to perform authorized transportation promptly upon request, it shall notify the person requesting the service of the anticipated delay and the reason therefor, and shall promptly notify the Bureau of Operations, Interstate Commerce Commission, Washington, D.C., and the Regional Director of the Bureau of Operations, Interstate Commerce Commission, in the Region where the carrier has its principal headquarters, of any inability to perform requested transportation within a reasonable time, and the reason therefor. Upon the termination of the conditions which render the carrier unable to perform desired transportation within a reasonable time, the carrier shall notify the Bureau of Operations and the Regional Director, mentioned above of the changed conditions.

§ 1059.3 Carrier's duty to transport unaffected.

The provisions of §§ 1059.1 and 1059.2 shall not be construed to relieve any carrier of the duty to furnish transportation service, nor to relieve any carrier of the duty to observe all requirements of law and the regulations prescribed by the Commission.

[FR Doc 78-334 Filed 1-4-78,11 54 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Amendment of Budget of Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed increase of expenses from $67,760 to $88,210 for the 1977-78 fiscal year, to be used to fund a market development and promotion project for avocados by the Avocado Administrative Committee, which locally administers the Federal marketing order covering fresh avocados. The funds would be transferred from the committee's reserve, and no assessments would be collected from avocado handlers.

DATES: Comments must be received on or before January 23, 1978. Proposed effective dates; April 1, 1977, through March 31, 1978.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposal under consideration was submitted by the committee, established under Marketing Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer its terms and provisions. The proposal would:

Amend paragraph (a) of § 915.216 Expenses and carryover of unexpended funds (42 FR 35142 63636) to read as follows:

§ 915.216 Expenses and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during the fiscal year April 1, 1977, through March 31, 1978, will amount to $88,210.

* * * * *

Dated December 30, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 78-148 Filed 1-4 78,8 45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17526]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH-104 "Dove" Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections of the center section main spar top boom and replacement of the boom as necessary on Hawker Siddeley Aviation Limited Model DH-104 "Dove" airplanes. The proposed AD is needed to detect cracks in the lugs at each end of the boom which could result in separation of the wing in flight.

DATES: Comments must be received on or before February 20, 1978.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24), Docket No. 17526, 800 Independence Ave. SW., Washington, D.C.

The applicable Technical News Sheet may be obtained from: Hawker Siddeley Aviation Limited, Hatfield Hertfordshire, England, Product Support Department, telephone Hatfield 62345.

A copy of the technical news sheet is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been reports of cracks in the center lug of the three lugs located at each end of the center section main spar boom which affect the structure integrity of the wing to fuselage attachment and could result in separation of the wing in flight on Hawker Siddeley Aviation Limited model DH-114 Heron airplanes. The cracks are believed to be caused by stress corrosion and an airworthiness directive (AD 76-16-03), (Amendment 39-2869) has been issued to correct this problem. Since the corresponding lug arrangement on the DH-104 Dove airplane is almost identical in configuration and of the same material as the Heron, it is likely that similar cracking exists or will develop on these airplanes. The proposed AD would require repetitive inspections and replacement of the boom as necessary on Hawker Siddeley Aviation Limited model DH-104 airplanes.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, J. Soderquist and F. Kelley, Flight Standards Service, and K. May, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LIMITED: Applies to DH-104 "Dove" airplanes, all series, certificated in all categories.

Compliance required as indicated.

To prevent possible failure of the wing to fuselage attachment and loss of wing in flight, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, remove the port and starboard wing root fairings and inspect the upper three lugs at each end of the center section main spar top boom, P/N 4FS.135 A/1, for cracks using an ultrasonic method of inspection in accordance with appendix 1 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, (HSA TNS 237) dated September 9, 1976, or an FAA-approved equivalent.

NOTE.—This inspection can be conducted with the wing installed.

(b) If no cracks are found during the inspection required by paragraph (a) of this AD, repeat the inspection at intervals not to exceed 1200 flight hours or 2 calendar years, whichever occurs sooner, until the wings are removed for compliance with AD 72-16-07 at which time the area must be further inspected using an ultrasonic method in accordance with apendix 2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, dated September 9, 1976, or an FAA-approved equivalent. Thereafter, if no cracking is found, the area must continue to be inspected in accordance with the following schedule:

(1) In accordance with paragraph (a) of this AD at an interval not to exceed 3 calendar years from each time compliance with the inspection defined above is required in conjunction with the wing removal required by AD 72-16-07.

(2) In accordance with the utirasonic and dye penetrant method specified in appendix 2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet TNS 237, dated September 9, 1976, or an FAA-approved equivalent at each time the wings are removed for compliance with AD 72-16-07.

(c) If cracks are found during any of the wing installed inspections required by this AD, remove the wing and further inspect by ultrasonic and dye penetrant methods in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent.

(d) If, during any inspection required by this AD, cracking of the lugs is found which is confined to only one of the lugs per side of the aircraft and exists only on the outboard side of the bolt hole in a horizontal direction, the center section carry through boom may remain on the aircraft and continued flight is permitted provided the wing is removed at intervals not to exceed 300 flight hours or 3 months, whichever is sooner, and the cracked lug is inspected for crack propagation and the remaining two lugs are inspected for further cracking, all in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, until the boom is replaced with a new or serviceable used boom of the same part number as defined in paragraph (e) of this AD.

(e) If, during any inspection required by this AD, cracking is found in more than one lug per side of the aircraft or the cracking of any one lug extends to both sides (inboard and outboard) of the bolt hole, before further flight, replace the carry through boom with a new boom of the same part number or a used boom of the same part number determined serviceable in accordance with the inspection criteria established in this AD. Replacement booms must continue to be inspected in accordance with the following schedule:

(1) For replacement booms that have had previous time in service, inspect the lug area in accordance with paragraph (a) of this AD within 3 years from replacement and thereafter inspect in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, at each wing removal.

(2) For new replacement booms, inspect the lug area in accordance with appendix 2 of Hawker Siddeley Aviation, Ltd., TNS 237, dated September 9, 1976, or an FAA-approved equivalent, at each wing removal.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.78-54 Filed 1-4-78;8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17524]

AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspections for wear, and replacement, as necessary, of the flame tube liners and suspension pins on Rolls Royce Dart engines Series 542 and 543 to prevent possible overheating and failure of the turbine rotors on these engines.

DATE: Comments must be received on or before February 20, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 17524, 800 Independence Avenue, SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Rolls Royce Ltd., P.O. Box 31, Derby DE 2 8BJ, England.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been failures in the flame tube support system on certain Rolls Royce Dart engines that resulted in overheating and failure of the high pressure turbine rotor. Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require an initial inspection for wear, and replacement, if necessary, of flame tube liners and suspension pins on Rolls Royce Dart Series 542 and 543 engines. The proposal would also require the establishment of a repetitive inspection schedule for these components based on the initial inspection, including a reduction in the time interval whenever a later inspection reveals flame tube liner wear in excess of 0.030 inches on any flame tube of any engine in the operator's fleet.

DRAFTING INFORMATION

The principal authors of this document are P. A. Cormaci, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

ROLLS ROYCE, LTD.: Applies to Dart engines Series 542-4, 542-10, 543-10, and variants, featuring any of the following Modifications 1243, 1244, 1432, 1448, or 1607, used on, but not limited to Convair 600 and 640 aircraft, and Nihon YS-11 and YS-11A series aircraft.

Compliance is required as indicated.

To prevent excessive wear in flame tube liners and suspension pins that may result in loss of flame tube support causing overheating and failure of the turbine rotors, accomplish the following:

(a) Within the next 500 hours engine time in service after the effective date of this AD, unless already accomplished, inspect the flame tube liners and suspension pins for wear in accordance with the instructions contained in paragraph 4A of Rolls Royce

Dart Service Bulletin Da 72-431, dated July 1, 1977 (hereafter RR SB 72-431), or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, New York 09667 (hereafter FAA-approved equivalent).

(b) If, during an inspection required by this AD, flame tube liner or suspension pin wear is found to exceed the limits given in paragraph 4A(1) or RR SB 72-431, or an FAA-approved equivalent, before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the affected part with a serviceable part and reinspect in accordance with either paragraph (c) or (d) of this AD, as applicable.

(c) If, during an inspection required by this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of any engine in the operator's fleet, determine the flame tube time in service since new or overhauled, and establish a fleet repetitive inspection time interval in accordance with paragraph 4.A(1)(c)(ii) or 4.A2 as applicable, of RR SB 72-431 or an FAA-approved equivalent.

(d) If, during an inspection required by this AD, flame tube liner wear is less than 0.030 inches on any one flame tube of any engine in the operator's fleet, replace, if necessary, the affected parts according to paragraph (b) of this AD and reinspect in accordance with paragraph 4.A(4) of RR SB 72-431, or an FAA-approved equivalent at intervals not to exceed 2000 hours engine time in service from the last inspection.

(e) If, during a repetitive inspection required by paragraph (c) or (d) of this AD, flame tube liner wear is 0.030 or greater inches on any one flame tube of an engine in the operator's fleet, reduce the Repetitive Inspection Interval for all engines in the fleet in accordance with paragraph 4.A(2) of RR SB 72-431, or an FAA-approved equivalent.

(f) Record the repetitive inspection time intervals established pursuant to paragraphs (c), (d), and (e) in the aircraft maintenance records.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on December 27, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.78-38 Filed 1-4-78;8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 20]

[LR-1-77]

GROUP-TERM LIFE INSURANCE

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to group-term life insurance purchased for employees. Questions have arisen concerning the tax treatment of insurance provided employees under policies that include permanent benefits. The proposed regulations help employers and others determine when insurance is group-term life insurance the cost of which may be excludable from the income of insured employees.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 21, 1978. The amendments are proposed to be generally effective for taxable years beginning on or after January 1, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-1-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

John H. Parcell of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 79 of the Internal Revenue Code of 1954 (the Code). These proposed amendments would prescribe rules for the tax treatment of insurance provided employees under policies that include permanent benefits. They are to be issued under the authority of section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

A notice of proposed rulemaking published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5371) also contained proposed amendments to the regulations under section 79. That notice would have provided rules for the tax treatment of insurance that includes a permanent benefit and changed the uniform premium rate table of § 1.79-3(d)(2). However, it was withdrawn on March 21, 1977 (42 FR 15340) for further study.

PERMANENT BENEFITS

The tax treatment of insurance provided employees under policies that include permanent benefits is currently based on Service policies that predate the enactment, in 1964, of section 79. In 1950, the Service determined that premiums paid by an employer for permanent life insurance could not be excluded from an employee's income. However, the Service held that premiums paid by an employer for the term life insurance in a combination policy containing, as separate elements, both term life insurance and paid-up or level premium insurance could be excluded from an employee's income. Mim. 6477, 1950-1 C.B. 16. The regulations under section 79 issued in 1966 adopted the latter rule, but did not specifically deny favorable section 79 treatment for permanent life insurance. T.D. 6888, 31 FR 9200, July 6, 1966. Some persons interpreted this omission in the 1966 regulations as permitting section 79 treatment for some part of a permanent life insurance policy. This interpretation was disavowed in Rev. Rul. 71-360, 1971-2 C.B. 87, and in revised section 79 regulations issued in 1972, T.D. 7236, 37 FR 28624, December 28, 1972.

Despite these attempted clarifications by the Service, confusion has persisted. This confusion is attributable, in large part, to the difficulty of distinguishing between policies of permanent life insurance (to which section 79 does not apply) and combination policies containing both term life insurance and paid-up or level premium insurance.

To eliminate this confusion, these amendments would replace the distinction between permanent life insurance and combinations of term and paid-up or level premium insurance with a list of specific rules applicable to a policy that includes a permanent benefit. These rules tell how much of this kind of policy is term insurance and how much is permanent benefit and require than an employee be permitted to decline the permanent benefit without affecting the amount of term insurance that he or she is provided. This restriction is necessary because section 79 applies only to term life insurance. If insurance is provided only in conjunction with a permanent benefit, the insurance and the permanent benefit are inseparable and no part of the insurance is term life insurance. However, if the insurance would be provided without a permanent benefit, it may qualify as term life insurance.

The amendments would set forth a formula for determining the minimum amount that must be included in income as the cost of permanent benefits. The formula does not include a specific loading factor, but loading is reflected through the use of conservative interest and mortality assumptions. The amendments also would set forth a formula for determining the amount of dividends includible in income. Although policy dividends ordinarily are excluded from income as a return of premium, this rule is not appropriate if the employee has included in income only the cost of permanent benefits determined under a formula.

GROUPS OF LESS THAN 10 EMPLOYEES

The proposed amendments include nonsubstantive conforming changes to the special rules applicable to groups of fewer than 10 employees.

UNIFORM PREMIUM TABLE

The proposed amendments do not change Table I of § 1.79-3(d)(2). The Service has concluded that Table I adequately reflects the cost of group-term life insurance.

CROSS-REFERENCE REVISIONS

Because § 1.79-1 would be substantially rewritten, the proposed amend-

ments also contain nonsubstantive revisions of certain cross-references in the Income Tax Regulations (26 CFR Part 1) under sections 61, 79, and 6052 of the Code and the Estate Tax Regulations (26 CFR Part 20) under section 2042 of the Code.

EFFECTIVE DATES

These proposed amendments apply generally to insurance provided in taxable years beginning on or after January 1, 1977. However, certain exceptions apply to insurance provided under policies in existence on November 4, 1976.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was John H. Parcell of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, other personnel in the Internal Revenue Service and Treasury Department participated in developing the regulation both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Parts 1 and 20 are as follows:

INCOME TAX REGULATIONS (26 CFR PART 1)

§ 1.79 [Deleted]

PARAGRAPH 1. Section 1.79 is deleted.

PAR. 2. A new § 1.79–0 is added and § 1.79–1 is amended. The added and amended provisions read as follows:

§ 1.79–0 Group-term life insurance—definitions of certain terms.

The following definitions apply for purposes of section 79, this section, and §§ 1.79–1, 1.79–2, and 1.79–3.

Carried directly or indirectly. A policy of life insurance is "carried directly or indirectly" by an employer if—

(a) The employer pays any part of the cost of the life insurance directly or through another person; or

(b) The employer or two or more employers arrange for payment of the cost of the life insurance by their employees and charge at least one employee less than the cost of his or her insurance, as determined under Table I of § 1.79–3(d)(2), and at least one other employee more than the cost of his or her insurance, determined in the same way.

Employee. An "employee" is—

(a) A person who performs services if his or her relationship to the person for whom services are performed is the legal relationship of employer and employee described in § 31.3401(c)–1; or

(b) A full-time life insurance salesperson described in section 7701(a)(20); or

(c) A person who formerly performed services as an employee.

A person who formerly performed services as an employee and currently performs services for the same employer as an independent contractor is considered an employee only with respect to insurance provided because of the person's former services as an employee.

Group of employees. A "group of employees" is all employees of an employer, or less than all employees if membership in the group is determined solely on the basis of age, marital status, or factors related to employment. Examples of factors related to employment are membership in a union some or all of whose members are employed by the employer, duties performed, compensation received, and length of service. Ownership of stock in the employer corporation is not a factor related to employment. However, a "group of employees" may include an employee who owns stock in the employer corporation.

Permanent benefit. A "permanent benefit" is an economic value extending beyond one policy year (for example, a paid-up or cash surrender value) that is provided under a life insurance policy. However, a permanent benefit does not include—

(a) A right to convert (or continue) life insurance after group life insurance coverage terminates; or

(b) A feature under which term life insurance is provided at a level premium for a period of five years or less.

Policy. The term "policy" includes two or more obligations of an insurer (or its affiliates) if the obligations are interrelated or are sold in conjunction. For example, a group of individual contracts under which life insurance is provided to a group of employees may be a policy. Similarly, two benefits provided to a group of employees, one term life insurance and the other a permanent benefit or life insurance that provides a permanent benefit, may be a policy. The two benefits may be a policy even if they are not provided under a single document and even if one of the benefits is provided only to employees who decline the other benfit.

§ 1.79–1 Group-term life insurance—general rules.

(a) *What is group-term life insurance?* Life insurance is not group-term life insurance for purposes of section 79 unless it meets the following conditions:

(1) It provides a general death benefit that is excludable from gross income under section 101(a).

(2) It is provided to a group of employees.

(3) It is provided under a policy carried directly or indirectly by the employer.

(4) The amount of insurance provided to each employee is computed under a formula that precludes individual selection. This formula must be based on factors such as age, years of service, compensation, or position. This condition may be satisfied even if the amount of insurance provided is determined under a limited number of alternative schedules that are based on the amount each employee elects to contribute. However, the amount of insurance provided under each schedule must be computed under a formula that precludes individual selection.

(b) *May group-term life insurance be combined with other benefits?* (1) No part of the life insurance provided under a policy that provides a permanent benefit is group-term life insurance unless—

(i) The policy specifies the part of the death benefit provided to each employee that is group-term life insurance;

(ii) The part of the death benefit that is provided to an employee and designated as the group-term life insurance benefit for any policy year is not less than the difference between the total death benefit provided under the policy and the paid-up death benefit that would be provided if the policy were not renewed at the end of the policy year;

(iii) Employees may elect to decline or drop the permanent benefit; and

(iv) The amount of group-term life insurance provided to an employee is identical whether the employee accepts, declines, or later drops the permanent benefit. Thus, if the amount of group-term life insurance provided to employees who elect a permanent benefit decreases, then the amount of group-term life insurance provided to employees who do not elect the permanent benefit decreases in the same manner.

(2) The condition of paragraph (b)(1)(iv) of this section is illustrated by the following examples:

Example 1. A policy permits each employee the option of having his or her employer purchase (a) $10,000 of group-term life insurance each year, or (b) declining amounts of term insurance which, when added to units of paid-up insurance purchased by the employee, amount to $10,000 each year of total insurance coverage. The amount excludible from income under either option is the cost of term insurance that would have been purchased for the employee had he or she elected option (b) if all the other requirements of section 79 are met. The additional term insurance under option (a) is not group-term life insurance within the meaning of section 79.

Example 2. A policy permits each employee to purchase units of paid-up whole life insurance but provides $10,000 of term life insurance to each employee whether or not the employee purchases the units of paid-up whole life insurance. The term life insurance is group-term life insurance for purposes of section 79 if all other requirements of section 79 are met.

Example 3. A policy permits each employee to purchase a $100 unit of paid-up, whole life insurance in each policy year. In the first policy year an employee is insured, the policy provides $10,000 of term life insurance. In each subsequent policy year, the amount of term life insurance provided is reduced by $100 whether or not the employee purchases a unit of paid-up whole life insurance. The term life insurance is group-term life insur-

ance for purposes of section 79 if all other requirements of section 79 are met.

(c) *May a group include fewer than 10 employees?* (1) As a general rule, life insurance provided to a group of employees cannot qualify as group-term life insurance for purposes of section 79 unless, at some time during the calendar year, it is provided to at least 10 full-time employees who are members of the group of employees. However, this general rule does not apply if the conditions of paragraph (c) (2) or (3) of this section are met.

(2) The general rule of paragraph (c) (1) of this section does not apply if the following conditions are met:

(i) The insurance is provided to all full-time employees of the employer or, if evidence of insurability affects eligibility, to all full-time employees who provide evidence of insurability satisfactory to the insurer.

(ii) The amount of insurance provided is computed either as a uniform percentage of compensation or on the basis of coverage brackets established by the insurer. However, the amount computed under either method may be reduced in the case of employees who do not provide evidence of insurability satisfactory to the insurer. In general, no bracket may exceed 2½ times the next lower bracket and the lowest bracket must be at least 10 percent of the highest bracket. However, the insurer may establish a separate schedule of coverage brackets for employees who are over age 65, but no bracket in the over-65 schedule may exceed 2½ times the next lower bracket and the lowest bracket in the over-65 schedule must be at least 10 percent of the highest bracket in the basic schedule.

(iii) Evidence of insurability affecting employee's eligibility for insurance or the amount of insurance provided to that employee is limited to a medical questionnaire completed by the employee that does not require a physical examination.

(3) The general rule of paragraph (c) (1) of this section does not apply if the following conditions are met:

(i) The insurance is provided under a common plan to the employees of two or more unrelated employers.

(ii) The insurance is restricted to, but mandatory for, all employees of the employer who belong to or are represented by an organization (such as a union) that carries on substantial activities in addition to obtaining insurance.

(iii) Evidence of insurability does not affect an employee's eligibility for insurance or the amount of insurance provided to that employee.

(4) For purposes of paragraphs (c) (2) and (3) of this section, employees are not taken into account if they are denied insurance for the following reasons:

(i) They are not eligible for insurance under the terms of the policy because they have not been employed for a waiting period, specified in the policy, which does not exceed six months.

(ii) They are part-time employees. Employees whose customary employment is for not more than 20 hours in any week, or 5 months in any calendar year, are presumed to be part-time employees.

(iii) They have reached the age of 65.

(5) For purposes of paragraphs (c) (1) and (2) of this section, insurance is considered to be provided to an employee who elects not to receive insurance.

(d) *How much must an employee receiving permanent benefits include in income?*—(1) *In general.* If an insurance policy that meets the requirements of this section provides permanent benefits to an employee, the cost of the permanent benefits reduced by the amount paid for permanent benefits by the employee is included in the employee's income. The cost of the permanent benefits is determined under the formula in paragraph (d) (2) of this section.

(2) *Formula for determining cost of the permanent benefits.* In each policy year the cost of the permanent benefits for any particular employee must be no less than:

$$X\ (DDB_2 - DDB_1)$$

where

DDB_2 is the employee's deemed death benefit at the end of the policy year;

DDB_1 is the employee's deemed death benefit at the end of the preceding policy year; and

X is the net single premium for insurance (the premium for one dollar of paid-up, whole-life insurance) at the employee's attained age at the beginning of the policy year.

(3) *Formula for determining deemed death benefit.* The deemed death benefit (DDB) at the end of any policy year for any particular employee is equal to:

$$R/Y$$

where

R is the net level premium reserve at the end of that policy year for all permanent benefits provided by the policy or, if greater, the cash value of the policy at the end of that policy year; and

Y is the net single premium for insurance (the premium for one dollar of paid-up, whole life insurance) at the employee's age at the end of that policy year.

(4) *Mortality tables and interest rates used.* For purposes of paragraphs (d) (2) and (d) (3) of this section, the net level premium reserve (R) and the net single premium (X or Y) shall be based on the 1958 CSO Mortality Table and 4 percent interest.

(5) *Dividends.* If an insurance policy that meets the requirements of this section provides permanent benefits, part or all of the dividends under the policy may be includible in the employee's income. If the employee pays nothing for the permanent benefits, all dividends under the policy that are actually or constructively received by the employee are includible in the employee's income. In all other cases, the amount of dividends included in the employee's income is equal to

$$(D+C) - (PI+DI+AP)$$

where

D is the total amount of dividends actually or constructively received under the policy in the current and all preceding taxable years of the employee;

C is the total cost of the permanent benefits for the current and all preceding taxable years of the employee determined under the formulas in paragraphs (d) (2) and (6) of this section;

PI is the total amount of premium included in the employee's income under paragraph (d) (1) of this section for the current and all preceding taxable years of the employee;

DI is the total amount of dividends included in the employee's income under this paragraph (d) (5) in all preceding taxable years of the employee; and

AP is the total amount paid for permanent benefits by the employee in the current and all preceding taxable years of the employee.

(6) *Different policy and taxable years.* (i) If a policy year begins in one employee taxable year and ends in another employee taxable year, the cost of the permanent benefits, determined under the formula in paragraph (d) (2) of this section, is allocated between the employee taxable years.

(ii) The cost of permanent benefits for a policy year is allocated first to the employee taxable year in which the policy year begins. The cost of permanent benefits alocated to that policy year is equal to:

$$F \times C$$

where

F is the fraction of the premium for that policy year that is paid on or before the last day of the employee taxable year; and

C is the cost of permanent benefits for the policy year determined under the formula in paragraph (d) (2) of this section.

(iii) Any part of the cost of permanent benefits that is not allocated to the employee taxable year in which the policy year begins is allocated to the subsequent employee taxable year.

(iv) The cost of permanent benefits for an employee taxable year is the sum of the costs of permanent benefits allocated to that year under paragraphs (d) (6) (ii) and (iii) of this section.

(7) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. An employer provides insurance to employee A under a policy that meets the requirements of this section. Under the policy, A, who is 47 years old, received $70,000 of group-term life insurance and elects to receive a permanent benefit under the policy. A pays $2 for each $1,000 of group-term life insurance through payroll deductions and the employer pays the remainder of the premium for the group-term life insurance. The employer also pays one-half of the premium specified in the policy for the permanent benefit. A pays the other one-half of the premium for the permanent benefit through payroll deductions. The policy specifies that the annual premium paid for the permanent benefit is $300. However, the amount of premium allocated to the permanent benefit by the formula in paragraph (d) (2) of this section is $350. A is a calendar year taxpayer; the policy year begins on January 1. In 1980, $200 is includible in A's income because of insurance provided by the employer. This amount is computed as follows:

(1) Cost of permanent benefits	$350
(2) Amounts considered paid by A for permanent benefits (½ × $300)	150
(3) Line (1) minus line (2)	200
(4) Cost of $70,000 of group-term life insurance under Table I of § 1.79–3	336
(5) Cost of $50,000 of group-term insurance under Table I of § 1.79–3	240
(6) Cost of group-term life insurance in excess of $50,000 (line (4) minus line (5))	96
(7) Amount considered paid by A for group-term life insurance (70 × $2)	140
(8) Line (6) minus line (7) (but not less than 0)	0
(9) Amount includible in income (line (3) plus line (8))	200

(e) *What is the effect of state law limits?* Section 79 does not apply to life insurance in excess of the limits under applicable state law on the amount of life insurance that can be provided to an employee under a single contract of group-term life insurance.

(f) *Cross references.* (1) See section 79(b) and § 1.79–2 for rules relating to group-term life insurance provided to certain retired individuals.

(2) See section 61(a) and the regulations thereunder for rules relating to life insurance not meeting the requirements of section 79, this section, or § 1.79–2, such as insurance provided on the life of a non-employee (for example, an employee's spouse), insurance not provided as compensation for personal services performed as an employee, insurance not provided under a policy carried directly or indirectly by the employer, or permanent benefits.

(3) See sections 106 and § 1.106–1 for rules relating to certain insurance that does not provide general death benefits, such as travel insurance or accident and health insurance (including amounts payable under a double indemnity clause or rider).

(g) *Effective date.* Sections 1.79–0 through 1.79–3 apply to insurance provided in employee taxable years beginning on or after January 1, 1977 with the following exceptions:

(1) If the insurance is provided under a binding arrangement between an employer and an insurer in effect on November 4, 1976, or a renewal of such a binding arrangement, §§ 1.79–0 through 1.79–3 do not apply to the insurance provided in employee taxable years beginning before January 1, 1978. Insurance provided to additional employees or in greater amounts after November 4, 1976 is considered provided under a binding arrangement in effect on November 4, 1976 if the additional employees or greater amounts can be determined by reference to the terms of the binding arrangement.

(2) If the insurance is described in paragraph (g)(1) of this section and did not satisfy the requirement of paragraph (b)(1)(iv) of this section on November 4, 1976, paragraph (b)(1)(iv) of this section does not apply to the insurance provided in employee taxable years beginning before January 1, 1983.

See 26 CFR 1.79–1 through 1.73–3 (revised as of April 1, 1977) for rules applicable to insurance provided in taxable years beginning before January 1, 1977 (January 1, 1978, if the insurance is described in paragraph (g)(1) of this section).

§ 1.79–2 [Amended]

PAR. 3. Paragraph (b)(4)(ii)(*a*) of § 1.79–2 is amended by deleting "paragraph (a)(2) of § 1.79–1" and inserting in its place "section 79(a)".

§ 1.79–3 [Amended]

PAR. 4. Section 1.79–3 is amended by deleting "paragraph (a)(2) of § 1.79–1" each time it appears and inserting in its place "section 79(a)".

§ 1.61–2 [Amended]

PAR. 5. Paragraph (d)(2)(ii)(*a*) of § 1.61–2 is amended by deleting "group-term life insurance on the employee's life as defined in paragraph (b)(1) of § 1.79–1" and inserting in its place "certain group-term life insurance on the employee's life".

§ 1.6051–2 [Amended]

PAR. 6. Paragraph (a)(1)(i) of § 1.6052–1 is amended by deleting "set forth in paragraph (a)(2) of § 1.79–1" and inserting in its place "provided in section 79(a)".

PAR. 7. Paragraph (a)(2) of § 1.6052–1 is amended to read as follows:

§ 1.6052–1 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting*— * * *

(2) *Definitions.* Terms used in paragraph (a)(1) of this section and in section 79 and the regulations thereunder have the meaning ascribed to them in section 79 and the regulations thereunder.

* * * * *

PAR. 8. Paragraph (e) of § 1.6052–2 is amended to read as follows:

§ 1.6052–2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

* * * * *

(e) *Definitions.* Terms used in this section and in section 79 and the regulations thereunder have the meaning ascribed to them in section 79 and the regulations thereunder.

* * * * *

ESTATE TAX REGULATIONS (26 CFR PART 20)

PAR. 9. Paragraph (c)(6) of § 20.2042–1 is amended by deleting "paragraph (b)(1)(i) and (iii) of § 1.79–1 of this chapter (Income Tax Regulations)" and inserting in its place "the regulations under section 79".

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77–37412 Filed 12–30–77;10:34 am]

[4310–68]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 11, 70, 71, 90]

RESPIRABLE DUST

Coal Mine Health Standards and Redefinition; Extenison of Comment Period

AGENCY: Department of the Interior, Mining Enforcement and Safety Administration (MESA).

ACTION: Extension of time.

SUMMARY: In the FEDERAL REGISTER for Wednesday, November 16, 1977, (42 FR 59294) proposed amendments and revisions to coal mine health standards were published. The proposed amendments will: (1) Revise standards for silica dust and other airborne contaminants to conform with improved standards recently developed by the National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, and recommended by the American Conference of Governmental Hygienists; (2) provide for increased training in the maintenance and calibration of sampling equipment and in the collection of samples of respirable coal mine dust and other airborne contaminants; (3) substitute area sampling for periodic sampling of miners working in areas not directly associated with removal of coal from its seam; (4) revise sampling schedules and procedures to remove ambiguities and extraneous requirements; and (5) revise the definition of respirable dust.

Interested persons were given 30 days after publication to December 16, 1977, within which to submit comments, suggestions, objections, and requests for hearing. The period of time is extended to February 28, 1978.

DATES: Comments, suggestions, objections, and requests for hearing on such objections, in response to the notice of proposed rulemaking must be received by February 28, 1978.

ADDRESS: Comments, suggestions, objections, and requests for hearing on such objections should be sent to: The Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration, Department of the Interior, room 818, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Lamonica, Chief, Division of Health, Coal Mine Health and Safety, Mining Enforcement and Safety Administration, room 830, Ballston, Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, phone: 703–235–1358.

SUPPLEMENTARY INFORMATION: Numerous requests for an extension of time to submit comments, suggestions, objections, and requests for hearing have been received from operators, organizations representing mine opera-

tors, and other interested parties. These parties point out that significant and substantive changes are made in existing regulations; that the proposed changes raise substantive scientific and policy issues; that the coal mining industry is, and has been, engaged in basic national labor agreement negotiations; that the proposed changes may impact upon other Federal agency regulations; and that for these and other reasons the period of time of 30 days is insufficient within which to submit substantive and meaningful comments, suggestions, and objections. The requests for extension of time range from 45 to 105 days.

Careful consideration has been given to the requests for extension of time, and it has been determined that an extension of time should be granted.

Therefore, the date for the submission of comments, suggestions, objections, and requests for hearing upon such objections, on the proposed amendments and revisions published in the FEDERAL REGISTER for Wednesday, November 16, 1977, (42 FR 59294) is extended to February 28, 1978.

Interested parties who have submitted comments, suggestions, and objections may submit additional and further comments, suggestions, and objections within the time specified.

Dated: December 29, 1977.

CHARLES P. EDDY,
Acting Assistant Secretary of the Interior.

[FR Doc.78-87 Filed 1-4-78;8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 832]

SUPPORT FOR CIVIL AIR PATROL

Proposed Rulemaking

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Civil Air Patrol is provided support by the Air Force under Title 10 statute (Section 9441). This statute directs the Secretary of the Air Force to prescribe regulations applicable to the support authorized for Civil Air Patrol. AFR 46-6 is the updated regulation on Civil Air Patrol support.

DATES: Comments must be received on or before February 9, 1978.

ADDRESS: Mail comments to: Special Assistant for Civil Air Patrol Affairs, The Pentagon, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Hettinger, The Pentagon, Room BF655, Washington, D.C. 202-697-2463.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to add a new Subpart D to Part 832 of 32 CFR, entitled Support for Civil Air Patrol. This new subpart tells how support is set up for the Civil Air Patrol (CAP). It applies to Air Force activities only. Interested persons are invited to participate in this rulemaking by submitting comments to the above contact person.

The legal authority for this subpart is 10 U.S.C. 8012, 9441. The new subpart is proposed to read as follows:

PART 832—CIVIL AIR PATROL

* * * * *

Subpart D—Support for Civil Air Patrol

Sec.

Subpart D—Support for Civil Air Patrol

§ 832.40 Background information.

This subpart tells how support is set up for the Civil Air Patrol (CAP). It applies to Air Force activities only.

§ 832.41 Legal authority.

Support for CAP is provided for by law, 10 U.S.C. 9441. This law allows the Air Force to assign members to CAP for liaison and training duty; makes CAP eligible to receive DOD excess personal property, and allows CAP to use Air Force services and facilities.

§ 832.42 Air Force liaison function.

The Air Force assigns both active and reserve military members as well as civilians to liaison duty with CAP. Subpart C of this part sets up the organization and responsibilities of the active duty liaison program, and Air Force Regulation 45-10, Reserve Assistance Program for Civil Air Patrol (CAP), describes the Reserve Assistance Program for CAP.

§ 832.43 Limitations on CAP support.

(a) *Acquiring DOD property for CAP.* DOD property turned over to CAP becomes CAP property. CAP is required to maintain an account of all property it receives from the DOD and obtains CAP-USAF approval prior to disposing of any DOD item.

(b) *Loaning property to CAP.* Headquarters, U.S. Air Force Reserve, through CAP-USAF, sets up the loan of Air Force property to CAP.

(c) *Obligating Government funds.* Air Force commanders must not use appropriated funds for CAP except as set out in this subpart, or other 46 series Air Force regulations.

(d) *Using Air Force Form 15, USAF Invoice.* Air Force liaison officers may use Air Force Form 15 to obtain fuel or lubricants for approved CAP missions.

(e) *Misusing property.* Should CAP misuse DOD property it receives or misuse the funds it obtains from an approved sale of such property, the offending CAP unit may be suspended from receiving DOD items.

§ 832.44 Screening and acquiring DOD property.

(a) *Defense Property Disposal Service (DPDS).* DOD personal property no longer needed by a Military Service/Defense Agency is transferred to a Defense Property Disposal Office (DPDO). The DPDO makes sure property turned over to them is made available to meet the needs of all DOD agencies. Once these needs are met, property items are made available to fill the needs of CAP before being offered to Federal civil agencies or donee activities. The DPDS uses two ways to dispose of property:

(1) *Reportable property.* Based on the condition and value of available property, the DPDS publishes Declared Excess Personal Property Lists. These lists are put together at a central control point for distribution.

(i) Declared Excess Personal Property Lists are sent to CAP-USAF and to their regional liaison offices by DPDS. CAP-USAF or the region liaison offices send a request for changes to the distribution of these lists to DPDS-U, Battle Creek, MI 49016.

(ii) Liaison personnel review property listings to find out what items of property are suitable for CAP. CAP-USAF or the region liaison office sends these requirements to DPDS. When property becomes available for transfer, DPDS tells CAP-USAF or the region liaison office.

(iii) CAP-USAF or the region liaison office sends a Department of Defense Form 1149, Requisition and Invoice/Shipping Document, to the activity which reported the property to pick up the items needed.

(2) *Nonreportable property.* Property not offered in writing is made available for screening at the local DPDO.

(i) Nonreportable property is kept for screening at a disposal facility for 21 calendar days.

(ii) The region liaison office verifies CAP requirements for nonreportable property.

(b) *General Services Administration (GSA).* The regional offices publish lists of property available for disposal within their regional area. These catalogs or bulletins list property from both DOD and Federal civil agencies. These publications tell when the property is available, where it is located, and what the condition of the property is.

(1) *Distributing GSA catalogs/bulletins.* GSA sends their catalogs or bulletins to CAP-USAF or region liaison offices. Any request for change to these publications is forwarded to a GSA regional office.

(2) *Reviewing GSA catalogs or bulletins.* Liaison officers review GSA catalogs or bulletins only for DOD property suitable for CAP. These publications set out DOD items by the location reporting the property.

(3) *Procedure for acquiring property from GSA.* GSA catalogs or bulletins identify the procedures to follow for picking up property items.

(c) *Limitations on property items.* (1) DOD personal property items are acquired to support CAP programs and

activities recognized by the Air Force within these limits:

(i) Obtaining DOD property for the purpose of sale is prohibited.

(ii) Property obtained for CAP is to be in usable condition or need only minimum repair.

(iii) DOD property may be acquired for spare parts provided it is used for that purpose only and not as an item by itself.

(2) The Commander, CAP–USAF may delegate authority to liaison region commanders to acquire DOD property for CAP. This does not include aircraft. CAP–USAF screens and acquires excess DOD aircraft for CAP.

(d) *Handling and transportation costs.* (1) The Air Force pays for moving property acquired for CAP to a location approved by CAP–USAF. Property sent from Air Force installations uses funds from that facility.

(2) AFLC pays the handling and transportation costs for property from other military installations.

(3) DOD property acquired for CAP is authorized to be shipped in the Defense Transportation System to a location approved by the Commander, CAP–USAF. Property is shipped at the same rates as other military cargoes.

§ 832.45 Accounting and disposing of DOD property.

(a) CAP maintains an account of all property received from the DOD. These basic rules apply:

(1) CAP must maintain an account of all items it receives so that an audit identifies from where the item came, where it is being used in CAP or tells of when and how it was disposed of.

(2) A written release from CAP–USAF is needed for CAP to dispose of any former DOD property. The funds that are received from an authorized sale of such property items are sent to the National Headquarters, CAP, to be used for support of approved CAP programs. CAP–USAAF is sold when the items are disposed and the amount of funds from any sale.

(3) The Commander, CAP–USAF, must approve of any former DOD aircraft that CAP wants to dispose of. He may approve the trade of these aircraft for commercial aircraft that cost less to operate and maintain. The commercial aircraft received in trade are accounted for and disposed of in the same manner as aircraft received directly from the DOD.

(b) CAP–USAF establishes the procedures for control of any Air Force property that is loaned to CAP.

(c) An annual audit of each CAP region and wing supply account is made to determine if DOD property is being properly managed.

§ 832.46 CAP use of Air Force services and facilities.

(a) *Air Force policy.* (1) CAP may use Air Force services or facilities that are needed to assist CAP approved programs. However, use of any service or facility is not to interfere with the mission assigned to an Air Force unit or installation.

(2) A request to use any service or facility of the Air Force by CAP members is sent to the appropriate Air Force liaison office.

(b) *Maintenance support.* (1) CAP equipment requiring maintenance that a CAP unit cannot perform, may be done at an Air Force facility. Payment for this service is not required; however, the parts, supplies or instructions needed to complete the work are to be provided by CAP.

(2) Organizational maintenance is done by the CAP unit.

(3) Field maintenance that a CAP unit cannot do may be done by the nearest Air Force facility.

(4) Depot maintenance may be done at an Air Force facility serving the geographical area of the CAP unit needing this type of assistance.

(c) *Using real property.* CAP uses Air Force real property under the guidelines in the 87-series of Air Force regulations on Real Property Management.

(d) *Air Force mission support.* CAP resources may be used on Air Force noncombat missions. The Air Force reimburses CAP for the fuel, lubricants and communications expenses used on these missions. The procedures used for reimbursing CAP are provided in Subpart A of this part.

(e) *Other services.* There are other Air Force services which CAP may use. These services are identified in Air Force regulations and include emergency medical treatment (168 series), temporary billeting (30 series), transportation (DOD 4515.13R), and limited exchange privileges (147 series). In addition to reviewing the regulation that applies to a service being provided to CAP, an Air Force unit or installation member should contact the nearest Air Force liaison office for CAP to get further assistance.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.78—130 Filed 1-4-78;8:45 am]

DEPARTMENT OF TRANSPORTATION

[33 CFR Part 117]

[CGD 77-229]

DRAWBRIDGE OPERATION REGULATIONS

Albemarle and Chesapeake Canal, Va.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City Council, City of Chesapeake, Va., the Coast Guard is considering revising the regulations for the drawbridge across the Albemarle and Chesapeake Canal, mile 12.0, Great Bridge, to make them more restrictive to navigation. This change is being considered because of a significant increase in vehicular traffic.

DATE: Comments must be received on or before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202–426–0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Fifth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The vehicular traffic across Great Bridge has been increasing at the rate of six percent per year for the past few years. The latest traffic count taken in May 1977 showed a daily average of 21,000 vehicles. The bridge was designed to handle a daily average of 6,000 vehicles. The number of vessels requiring openings has remained reasonably constant.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.350 to read as follows:

§ 117.350 Albemarle and Chesapeake Canal (AIWW), Va., U.S. Government bridge at Great Bridge.

(a) From 10 p.m. to 5 a.m. the draw shall open on signal.

(b) From 5 a.m. to 10 p.m. the draw need open only on the hour. However, if any vessel is approaching the drawbridge, and cannot reach the draw exactly on the hour, the draw tender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass.

(c) The draw tender shall open the bridge promptly for the passage of any vessel with an emergency condition which presents danger to life or property. The signal to request emergency opening is four or more short blasts of a whistle or horn.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,
Admiral,
U.S. Coast Guard, Commandant.

[FR Doc.78-152 Filed 1-4-78;8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 77-181]

DRAWBRIDGE OPERATION REGULATIONS

Broad Causeway, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Town of Bay Harbor Islands, the Coast Guard is considering extending the regulations governing the operation of the Broad Causeway drawbrdge from November 30 through April 30 to year-round operation. This is being considered because of an increase in vehicular traffic.

DATE: Comments must be received on or before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, Room 1002, Federal Building, 51 SW First Avenue, Miami, Fla. 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendaitions to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The present regulations governing the operation of the Broad Causeway drawbridge provide that from November 1 through April 30 from 8 a.m. to 6 p.m., the draw need open only on the hour and half-hour. The proposed regulations would extend the restricted periods from 8 a.m. to 6 p.m., on a year-round basis. This is being considered because of a significant increase in vehicular traffic.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.446e to read as follows:

§ 117.446e Broad Causeway, 123rd Street, Atlantic Intracoastal Waterway, Biscayne Bay, Miami, Fla.

(a) The draw shall open on signal from 6 p.m. to 8 a.m. From 8 a.m. to 6 p.m., the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling the bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc78-155 Filed 1-4-78;8:45 am]

[4910-14]

Coast Guard

[33 CFR Part 117]

[CGD 77-184]

DRAWBRIDGE OPERATION REGULATIONS

Jamaica Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Triborough Bridge and Tunnel Authority, the Coast Guard is considering amending the regulations for the Marine Parkway drawbridge across Jamaica Bay, Queens, N.Y., to require at least eight hours notice for openings of the draw from 4 p.m. to 8 a.m. This change is being considered because of a steady decrease in requests for openings during this period (157 in 1974, 134 in 1975, and 81 in 1976).

DATE: Comments must be received before February 4, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Each person submitting comments should include his name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulation may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Edward J. Gill, Project Attorney, Office of the Chief Counsel.

Accordingly, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.175(d) to read as follows:

§ 117.175 Jamaica Bay and Connecting Waterways, N.Y.

* * * * * *

(d) Marine Parkway Drawbridge. The draw shall open on signal from 8 a.m. to 4 p.m. From 4 p.m. to 8 a.m., the draw shall open on signal if at least eight hours notice is given, except the draw shall open for U.S. Navy, and National Oceanic and Atmospheric Administration vessels, in the event of an emergency, if one hour notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: December 27, 1977.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.78-151 Filed 1-4-78;8:45 am]

[4910–60]

Office of Hazardous Materials Operations

[49 CFR Parts 173, 174, 175, 177, 178]

[Docket No. HM–139 Notice No. 77–9]

CONVERSION TO REGULATIONS OF GENERAL APPLICABILITY

Individual Exemptions

AGENCY: Materials Transportation Bureal, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments should be received by February 6, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, 202–426–0656.

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the table below is founded upon either: (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Operations, and George W. Tenley, Jr., Office of the Assistant General Counsel for Materials Transportation Law.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle. 2—Rail freight. 3—Cargo vessel. 4—Cargo-only aircraft. 5—Passenger carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and Prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 3305–No.	Reichhold Chemicals, Inc	173.154(a)(14)	Authorizes shipments of 50 and 55 pct benzoyl peroxide paste in 9-pt polyethylene jars overpacked in a DOT specification 12B fiberboard box (Modes 1, 2.)	To revise par. (a)(14) to read: (14) Specification 12B (sec. 178.265 of this subchapter). Fiberboard boxes with inside polyethylene bottles not over 1-gal capacity each or polyethylene jars not over 9-pt capacity each. Each jar shall contain not more than 10 lb net weight of product. Not more than 4 bottles or jars may be packed in 1 outside container.
E 3307–No.	Hercules, Inc., Trojan-U.S. Powder, IMC Chemical Group, E. I. du Pont, Monsanto Co., Atlas Powder Co., Austin Powder Co., Phillips Petroleum Co., Apache Powder Co., Ireco Chemicals, R. L. Fortner, Inc.	173.182(c)	Authorizes shipments of nitro carbo nitrate in all-plastic bags, polyethylene lined cotton fabric bags, polyethylenelined typar bags, polyvinylchloride bags and polyethylene bags of various thicknesses. (Modes 1, 2, and 3.)	To add par. (5) to read: (5) In all-plastic bags, polyvinylchloride bags, polyethylene lined bags, or polyethylene lined cotton fabric bags. Maximum authorized net weight is 100 lb. Each bag must be capable of withstanding the test requirements of sec. 178.241–4 and each bag must be in compliance with the requirements of sec. 178.241–3 of this subchapter for bag closures. Bags other than cross laminated valcron must be at least 4 mils thick. Bags may be overpacked in a spiral fiber tube of 5-ply construction which is closed at one end by a tapered crimp and open at the other end except for a single strand of tape which serves both as a closure and as a lowering tape.
E 3744–X	MC/B Manufacturing Chemists, E. I. du Pont, FMC Corp., Mallinckrodt, Inc., Lehigh Valley Chemical Co., Burris Chemical, Van Waters and Rogers, Mckesson Chemical Co., Thompson-Hayward Chemical Co.	173.266(b)(7)	Authorizes shipments of hydrogen peroxide solution in water containing not over 52 pct hydrogen peroxide by weight in a DOT specification 21P fiber drum overpack with inside specification 2SL polyethylene container, not over 65 gal capacity. (Modes 1 and 2.)	To revise par. (b)(7) to read: (7) Specification 21P sec. 178.225 of this subchapter). Fiber drum overpack with inside specification 2SL (sec. 178.33a of this subchapter) polyethylene container, not over 65 gal capacity, or specification 2U (sec. 178.24 of this subchapter) polyethylene container not over 15 gal capacity. The closure of the inside 2SL and 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage."
E 4175–No.	Allied Chemical Corp	173.302(a)(3)	Authorizes shipments of boron trifluoride in DOT specification 3AAX cylinders having a water capacity of approximately 4,700 lb, mounted on trailers and manifolded. (Mode 1.)	To revise par. (a)(3) to read: (3) Specifications 3AX, 3AAX or 3T (secs. 178.36, 178.37, and 178.45 of this subchapter) cylinders are authorized only for the following nonliquefied gases: Air, argon, boron trifluoride, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.
E 4239–X	Fenwal Inc	178.53–2(a)	Authorizes shipments of nonregulated liquids pressurized by nonflammable compressed gas in steel inside containers complying with DOT specification 4D except for a 2,575 in³ capacity. (Modes 1, 2, and 4.)	To revise par. (a) to read: (a) Type and size. Welded steel spheres (2 seamless hemispheres) or circumferentially welded cylinders (2 seamless drawn shells) not over 100 lb water capacity. Cylinders closed in by spinning process not authorized.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 4248-No.	Mallinckrodt Inc., MC/B Manufacturing Chemists, Allied Chemical Corp., Sargent-Welch Scientific Co., J. T. Baker Chemical Co.	173.245(a)(27)	Authorizes shipments of fuming nitric acid, phosphoric acid and solutions thereof, ammonium hydroxide and other corrosive liquids in DOT specification 33A polystyrene case having not more than four 5-pt capacity glass bottles. (Modes 1, 2, and 3.)	To revise par. (a)(27) to read: (27) Specification 33A (sec. 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5 pt capacity each. Not more than four 5-pt bottles may be packed in 1 outside packaging.
		173.268(b)		To add par. (b)(6) to read. (6) Specification 33A (sec. 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5 pt capacity each. Not more than four 5-pt bottles may be packed in 1 outside packaging.
		173.268(f)		To delete par. (f)(6) and reserve as follows (6) (Reserved).
E 4153-No., E 5206-No.	W. A. Murphy, Inc., Sierra Chemical Co., M. J. Baxter Drilling Co., Austin Powder Co., Co., Chemical Group., Monsanto Co., Maynes Explosives, Inc., Strawn Explosives, Inc., Explosives Inc., Monsanto Co., Austin Powder Co.	173.182(c)	Authorizes shipments of nitro carbo nitrate in bulk hopper-type tanks which may be equipped with mechanical unloading devices. (Mode 1.)	To add par. (6) to read: (6) In bulk, in hopper-type tanks which may be equipped with mechanical unloading devices. The equipment must be cleaned frequently enough to assure against any accumulation of product or its packing.
E 6427-No.	Martin Marietta Corp., MC/B Manufacturing Chemists.	173.193(a)	Authorizes shipments of picric acid, wet, with not less than 10 pct water and not exceeding 25 lb dry weight in a 5 mil polyethylene bag overpacked in a 6½ gal DOT specification. 21C fiber drum designed for a maximum weight of 225 lb. Drum must have a 7 mil polyethylene duplex interior lining and 1½ mil of polyethylene buried in the inside ply of the drum. Drum must be made liquid tight by the use of a 24 gage metal lid with a 10 mil preformed sealing disc glued to a rubber gasket cover and locked with a lever activated locking band and a pilfer proof seal. (Mode 1.)	To add par. (a)(2) to read: (2) Specification 21C sec. 178.224 of this subchapter). Fiber drums of not over 6½ gal capacity with one inside 5 mil polyethylene container having a dry net weight not exceeding 25 lb. Drum must be liquid tight and locked with a lever type locking ring and a pilfer proof seal.
E 6671-No., E 7434-No., E 7551-No.	Dow Chemical Co., Hercules, Inc., Merck Chemical Co., Dow Corning, Corp., FMC Corp., Natico, Inc.	Sec. 174.47	Authorizes the use of overpacks for damaged or leaking DOT specification drums containing certain hazardous materials. Overpack may be other larger drums of the same DOT specification as the damaged or leaking drum, or may be a non-specification, 65-gal drum of equivalent or greater structural integrity than drums authorized for the material involved. (Modes 1 and 2.)	To amend sec. 174.47 to read as follows: sec. 174.47 *Correction of violations.* a. A shipment of explosives discovered to be if violation of any of the requirements of this subchapter may not be forwarded until all discovered violations have been corrected. (See secs. 171.15 and 171.16 of this subchapter for reporting requirements.) b. Unless leaking, or in a manifestly insecure condition, each package of hazardous materials other than explosives in transit must be forwarded to its destination and a report made of any violation observed.
do	do	Sec. 174.48	do	To add sec. 174.48 to read as follows: Sec. 174.48 *Leaking packages other than tank cars.* a. Leaking packages other than tank cars may not be forwarded until repaired, reconditioned or overpacked as required by paragraph (b) of this section. (See sec. 171.15 and 171.16 of this subchapter for reporting requirements.) b. During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids flammable liquids, flammable solids, Poison B liquids, Poison B solids or irritating agents may be overpacked in a DOT specification drum that is compatible with the lading, and has sufficient cushioning and absorption material to prevent movement of their inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 65 gal capacity having equal or greater structural integrity than that prescribed in the Hazardous Materials Regulations for the respective material, may be used as an overpack.
do	do	Sec. 177.854(c)	do	Such overpacked packages may be forwarded to destination or returned to the shipper for disposal or repackaging. To revise sec. 177.854(c) to read as follows: (c) *Repairing or overpacking packages.* (1) Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available. (2) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, Poison B liquids, Poison B solids or irritating agents may be overpacked in a DOT specification drum that is compatible with the lading, and has sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 65 gal capacity, having equal or greater structural integrity than that prescribed in the Hazardous Materials Regulations for the respective material, may be used as the overpack.
do	do	Sec. 177.854(d)	do	To amend the introductory portion of sec. 177.854(d) to read as follows: (d) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of paragraph (c)(1) of this section, except as provided in secs. 177.855(c), 177.856(c), and 177.858(b), may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements.
E 6749	Bio Lab, Inc., Airwick Industries, Inc., GPS Industries, Tesco Chemicals, Chem Lab Products, Inc.	Sec. 173.217(b)	Authorizes shipments of certain oxidizing materials in accordance with sec. 173.217(b) except the inside containers are plastic drums instead of bottles. (Modes 1, 2, and 3.)	To revise par. (b) to read: (b) Limited quantities of these materials in strong outside wooden or fiberboard packages with inside packagings of glass not over 5 lb capacity each, or with inside metal or plastic packagings not over 10 lb capacity each, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments are not subject to Subpart F of pt. 172 of this subchapter, to pt. 174 of this subchapter except sec. 174.24 and to pt. 177 of this subchapter except sec. 177.817.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7480-No.	Air Products and Chemicals	173.154(a)	Authorizes shipments of ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F. in DOT specification MC 307 and MC 311 insulated cargo tanks designed for operation over temperature range of ambient to 250° F. and DOT specification 103ALW and 111A60ALW insulated tank cars designed for operation at temperatures up to 250° F. (Modes 1 and 2.)	To add par. (16) to read: (16) Specification 103ALW or 111A60ALW (secs. 179.200, 179.201 of this subchapter). Insulated tank cars designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F. To add par. (17) to read: (17) Specification MC 307 or MC 311 (secs. 178.340, 178.342 of this subchapter). Insulated tank motor vehicles designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 pct or more water in solution at a maximum temperature of 240° F.
E 7745-No.	Air Products and Chemicals, Inc.	173.148(a)	Authorizes shipment of monoethylamine in DOT specification MC 330 and MC 331 cargo tanks and specification 51 portable tanks. (Modes 1, 2, and 3.)	To revise par. (5) to read: "(5) Tank motor vehicles as prescribed in sec. 173.119(j)(5) of this subchapter." To add par. (6) to read: "(6) Specification 51 (sec. 178.245 of this subchapter). Portable tanks. Tanks must have no bottom opening, except one 3-in maximum plugged opening for maintenance purposes is authorized.
E 7790-N	Monsanto Co., Dow Chemical Co.	173.360(a)	Authorizes shipments of carbolic acid (phenol), not liquid, in DOT specification MC 307 cargo tanks. (Mode 1.)	To revise par. (a)(14) to read: (14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (secs. 178.341, 178.342, or 178.343 of this subchapter). Tank motor vehicles.
E 7792-No.	Dow Chemical Vistron Corp.	173.29(f)(2)	Authorizes the return of empty tank cars which have not been purged or reloaded with a non-hazardous material in accordance with sec. 173.29 (f)(2) except that certification on shipping papers is not required. (Mode 2.)	To revise par. (f)(2) to read: "(2) Except for the shipper certification required by sec. 172.204(a) and as otherwise specified in this subchapter, it is offered for transportation in the same manner as was required when it previously contained a greater quantity of a hazardous material. This requirement, as well as other provisions in this subchapter, does not apply to any tank that has been cleaned or purged of all hazardous materials residue or when it is reloadedhwit a material not subject to this subchapter."
E 7801-X	International Proteins Corp.	173.995(a)	Authorizes shipments of fish meal containing at least 6 pct but not more than 12 pct water in bulk in freight containers. (Mode 3.)	To revise sec. 173.995 to read: sec. 173.995 *Fish scrap and fish meal.* (a) Except as provided in paragraph (b) of this section, fish scrap and fish meal, containing at least 6 pct but not more than 12 pct water, when offered for transportation by water, must be prepared for shipment in compliance with sec. 173.510 and must be packaged as follows: (1) Burlap (jute) bag; (2) Multi-wall paper bag; (3) Polyethylene-lined burlap or paper bag; (4) Rail car; or (5) Freight container. (b) Fish scrap and fish meal may not be offered for transportation if the temperature of the material exceeds 120° F. (49° C.) (c) When fish scrap or fish meal is offered for transportation by vessel in bulk in freight containers the following additional requirements must be met: (1) The fish meal must contain at least 100 p/m antioxidant (ethoxyquin) at the time of shipment. (2) Each shipment must be accompanied by a statement in which the shipper certifies: (i) The moisture content of the fish meal; (ii) The concentration of antioxidant (ethoxyquin) in the material in parts per million at the time of loading into the freight container. (iii) The fat content of the fish meal; (iv) Date and place of production of the fish meal; (v) The physical state of the material (ground, pelletized or mixture).
E 7900-N	Agrico Chemical Co.	173.315	Requested an exemption to authorize private carriage of anhydrous ammonia, for agricultural purposes, in non-DOT specification "nurse tanks" having a minimum design pressure of 250 lb/in²g. (Mode 1.)	To add par. (m) to read: (m) A cargo tank transporting anhydrous ammonia and operated by a private carrier exclusively for agricultural purposes does not have to meet the specification requirements of pt. 178 of this subchapter if it: 1. Has a minimum design pressure of 250 lb/in²g. and meets the requirements of the edition of the ASME Code in effect at the time it was manufactured and is marked accordingly; 2. Is equipped with safety relief valves meeting the requirements of CGA Pamphlet S1.2; 3. Is painted white or aluminum; 4. Has a capacity of 3,000 gal. or less; 5. Is loaded to a filling density no greater than 56 pct; 6. Is drawn as full trailer at a speed not to exceed 25 mi/h and is appropriately marked with a slow-moving vehicle sign; and 7. Is operated on a public highway only during daylight hours.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of Appendix A to Part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on December 23, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.78-9 Filed 1-4-78;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

SPRUCE KNOB LAKES RECREATION COMPLEX MONONGAHELA NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the proposed development of Spruce Knob Lakes Recreation Complex for the Monongahela National Forest, USDA-FS-R9-DES-(ADM)-78-01.

The environmental statement concerns the proposed construction of an impoundment with associated recreation facilities adjacent to the Spruce Knob-Seneca Rocks National Recreation Area, Monongahela National Forest, Randolph County, W. Va.

This draft environmental statement was transmitted to EPA on December 21, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.
USDA, Forest Service, Monongahela National Forest, Sycamore Street, Elkins, W. Va. 26241.

A limited number of single copies are available upon request to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1548, Elkins, W. Va. 26241.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Monongahela National Forest, Sycamore Street, Box 1548, Elkins, W. Va. 26241. Written comments must be received by March 8, 1978, in order to be considered in the preparation of the final environmental statement.

JOHN F. KUHR,
Acting Director, Planning, Programming and Budgeting.

[FR Doc. 78-112 Filed 1-4-78; 8:45 am]

[3410-02]

Packers and Stockyards Administration

RATE POLICY

Public Hearings

Notice is hereby given that the Packers and Stockyards Administration will hold public hearings to provide an opportunity for livestock producers, stockyard operators, market agencies and other interested persons to present data, views, and comments as to whether a program of rate regulation at posted stockyards is necessary in the public interest and if so, whether alternatives to, or modifications of the present program may be warranted.

Data, views, and comments concerning different types of tariffs under the present provisions of the Act (percentage, valuation, and per head) will not be received during these hearings. The issues concerning these matters under the current statutory provisions have been decided by the Department's Judicial Officer and his decisions are now on appeal to the U.S. Courts of Appeals for the 5th and 8th Circuits.

BACKGROUND

One basic purpose for passage of the Packers and Stockyards Act was to insure that livestock producers selling their livestock at public markets would receive reasonable services and facilities at reasonable charges. During the course of the administration of the rate provisions of the Act, the Secretary of Agriculture, through formal proceedings, has established just, reasonable, and nondiscriminatory rates and charges at many stockyards. The rates and charges at other stockyards have been accepted for filing following informal proceedings. The rates and charges have been modified from time to time to accommodate changes in marketing methods and costs, and other relevant changes.

The reasonableness of rates and charges has been determined by the cost of service concept of evaluation. Under this concept, the rates and charges in the tariff should pay all the market operator's reasonable operating expenses in furnishing the stockyard services and facilities plus a fair return on the investment and a reasonable compensation for any personal services furnished by the market operator. Similar principles apply to a market agency tariff determined under this concept.

Posted stockyards serve hundreds of thousands of livestock producers each year. During 1975, posted stockyards handled over 95 million head of livestock valued in excess of $13 billion. For services rendered, producers paid $263 million as commission and yardage.

The Packers and Stockyards Act requires that each stockyard operator and market agency operating at a posted stockyard file a schedule of the rates and charges (tariff) they will assess consignors. The Act requires that all rates and charges be just, reasonable, and nondiscriminatory. Before a tariff may become effective, the market operator or market agency must notify the public and the Packers and Stockyards Administration at least 10 days in advance of the effective date of the proposed change.

PRESENT PROGRAM

The Packers and Stockyards Administration's present program is to review each proposed change in rates and charges based on each firm's latest 12-month statement of operation and other financial data to determine if the proposed changes appear reasonable. If the analysis discloses that the proposed rates and charges appear reasonable, they are accepted for filing.

When the analysis shows the proposed rates and charges may be unreasonable, the market operator or market agency is advised of this analysis. If the financial data discloses that a partial increase appears acceptable for filing, the operator or agency is advised of the rates and charges which appear to be reasonable based on the information available.

A market operator or market agency who believes the informal decision is incorrect, may request that a formal proceeding be started for the establishment, by the Secretary of Agricul-

ture, of the reasonable rates and charges at the market. If the proposed changes in the tariff appear violative of the Act and are not withdrawn or modified with agreement of the Administration, and a formal proceeding is not so requested, the Administration suspends the changed tariff and institutes a formal proceeding. All decisions and orders of the Secretary in such proceedings are reviewable by the U.S. Courts of Appeals.

As there have been numerous changes in the livestock marketing industry over the years, the Packers and Stockyards Administration is considering whether changes should be made in the present rate program. Some of the alternatives to be reviewed are outlined below. Other options may be proposed.

ALTERNATIVES

1. Continue present program of establishing reasonable rates and charges for each stockyard operator and market agency.
2. Eliminate all regulation of the rates and charges.
3. Permit the filing, after proper notice to livestock producers, of any tariff without determining its reasonableness if no complaints are received from livestock producers.
4. Establish reasonable rates and charges for stockyard services on an area, state, or national basis.
5. Permit the establishment of reasonable maximum rates for stockyard operators and market agencies. (Market operators and market agencies could elect to file schedules of charges lower than the maximums set.)
6. Limit the rate regulatory authority to certain types of stockyards.

Some of the alternatives would require changes in the Packers and Stockyards Act.

THE HEARINGS

The hearings will be conducted from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., local time, at the locations and on the dates listed below:

1. Sioux Falls, S. Dak., Ramada Inn, 2400 North Louis (located at the intersection of Interstate 29 and Highway 38), Monday, January 23, 1978.
2. Boise, Idaho, Royal Inn of Boise, 1115 N. Curtis Road (Interstate 80 at West Boise Hospital exit), Wednesday, January 25, 1978.
3. Fresno, Calif., Fresno Hilton Inn, 1055 Ban Ness, Friday, January 27, 1978.
4. Amarillo, Tex., Quality Inn Motel, 2915 Interstate 40E, Monday, January 30, 1978.
5. Macon, Ga., Ramada Inn West 1, 5009 Harrison Road (located at intersection of Interstate 475 and U.S. 80), Tuesday, February 7, 1978.
6. Indianapolis, Ind., Hilton Inn Airport, 2500 S. High School Road (Weir-Cook Municipal Airport exits on Interstate 465, Interstate 70 and Interstate 74), Thursday, February 9, 1978.
7. Lancaster, Pa., Treadway Resort Inn, 222 Eden Road (located at intersection of Highway 30 and Highway 272), Tuesday, February 14, 1978.

HEARING PROCEDURE

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be adversary, or judicial in nature, there will be no cross-examination or other adjudicatory procedures applied. However, the Presiding Officer may ask questions if he deems it necessary to clarify the record, and may, in his discretion, permit relevant questions for purposes of clarification or fully developing the data, views, and comments in any manner he deems appropriate.

Interested persons are invited to attend the hearings and to participate by making oral or written statements containing their data, views, and comments on the alternatives listed or other proposals concerning a rate regulatory program for stockyard operators and market agencies. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings should notify the Packers and Stockyards Administration that they desire to be heard, indicating the amount of time requested for their statements, and indicating their preference for day time or evening presentations. However, any person who wishes to be heard at the hearings will be afforded opportunity to be heard, whether or not they have given such notice.

Request to be heard or to receive additional information should be made to the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, prior to the respective hearing dates.

OTHER WRITTEN COMMENTS INVITED

Persons not participating in the hearings or who wish to submit written statements in addition to oral statements are invited to submit written data, views, and comments on the matters to be covered at the hearings. They should be submitted to the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before February 21, 1978.

AVAILABILITY OF TRANSCRIPT AND COMMENTS

The transcripts of the hearings, together with all the written submissions filed pursuant to this notice, will be made available for public inspection during normal business hours at the office of the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

After the hearings, the Packers and Stockyards Administration will evaluate all relevant material presented at the hearing, filed with the Administrator within the time specified above, or otherwise in possession of the Administration, and determine what action if any should be taken with respect to the rate policies and procedures.

Done at Washington, D.C., December 30, 1977.

CHAS. B. JENNINGS,
Administrator, Packers and Stockyards Administration.

[FR Doc. 78-162 Filed 1-4-78; 8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Pub. L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1978 are published.

1. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1978 is 1,183.9 million pounds.

2. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1978 is less than 110 percent of the estimated quantity prescribed by section 2(a) of the Act.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by Section 2(a) of the Act, limitations for the calendar year 1978 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Pub. L. 88-482 at this time.

This estimate is based upon the successful completion of a voluntary restraint program being negotiated by the State Department with supplying countries. The negotiations are expect-

ed to be concluded before the close of 1977.

Were it not for these expected voluntary arrangements with supplying countries, the estimate of imports would have exceeded 110 percent of the estimated quantity prescribed by Section 2(a) of the Act.

Done at Washington, D.C. this 30th day of December 1977.

BOB BERGLAND,
Secretary.

[FR Doc. 78-99 Filed 1-4-78; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-12-141; Docket 31921, etc]

HOUSTON-TAMPA/ORLANDO INVESTIGATION

Applications, Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December 1977.

In the matter of:

Houston-Tampa/Orlando Investigation (Docket 31921).

Applications of Continental Air Lines, Inc., Texas International Airlines, Inc., Delta Air Lines, Inc. (Docket 29958, 30019, 30120) for nonstop Houston-Tampa/Orlando authority.

Application of Braniff Airways, Inc. (Docket 26927) to add Orlando to Segment 10 of Route 9.

Application of Delta Air Lines, Inc. (Docket 24776) for authority between Houston and San Francisco via intermediate points.

Application of Western Air Lines, Inc. (Docket 31644) to add Tampa to Segment 6 of Route 135.

Continental Air Lines, Delta Air Lines, and Texas International Airlines (TXI) have applied for nonstop authority between Houston, on the one hand, and Tampa/St. Petersburg/Clearwater (Tampa) and Orlando, on the other hand.[1] Continental and TXI have filed motions for hearing on their applications, and Delta has moved for consolidation of its applications in Dockets 30120 and 24776 with those of the other two carriers.[2] Braniff Airways has also moved for consolidation of its application to add Orlando to Segment 10 of Route 9 (Dallas/Ft. Worth-New Orleans-Tampa-Miami) with those in Dockets 29958 and 30019, and Western Air Lines has similarly moved to consolidate its application in Docket 31644 to add Tampa to segment 6 of Route 35 (Miami/Ft. Lauderdale-Los Angeles).[3]

Continental and TXI make similar arguments in their motions for hearing. Specifically, the carriers contend that there is no meaningful single-plane service between Houston and Tampa/Orlando although these markets have tremendous potential, providing a good opportunity for carrier strengthening. To support their claims of poor existing service, both carriers cite a high number of passengers using connecting, rather than available single-plane services, particularly via the circuitous, congested Atlanta gateway. They also argue that Orlando and Tampa should be considered a single destination for purposes of assessing their traffic potential. Continental cites the dramatic increases in Houston-Miami traffic which occured when it entered the market as analogous to what will happen if it enters the Houston-Tampa/Orlando markets.[4] On the other hand, TXI argues that a carrier that would not be distracted by its Miami authority would provide the best service to Tampa and Orlando. Finally, Continental urges the Board to employ Subpart N-type procedures in this case.

Answers in support of one or both motions for hearing were filed by nine civic interests.[5] Northwest Airlines, Southern Airways, Trans World Airlines, and TXI also filed answers to Continental's motion, urging that various pretrial restrictions be imposed if Continental's application is set for hearing. Braniff, Delta and Eastern Air Lines answered both motions for hearing, arguing that it is more important for the Board to set various other applications for hearing before those involving Houston-Tampa/Orlando.

National answered in opposition to both motions for hearing. It disagrees with the arguments of Continental and TXI that Tampa and Orlando should be considered in tandem when assessing their traffic potential, since they have never been so treated before and, in fact, Orlando was specifically excluded from the Oklahoma-Denver-Southeast Points Investigation, while Tampa was included. For that reason, National also attacks TXI's reliance on the inclusion of both Tulsa and Oklahoma City in the Oklahoma case, and points out that the initial decision in that proceeding would have awarded Tulsa authority to one carrier and Oklahoma City authority to another.[6] National asserts that Continental's growth and stimulation factors have no relationship to reality. Moreover, National argues that Continental's monopoly services in markets of similar size to Houston-Tampa/Orlando are inferior to National's services in the Houston-Tampa/Orlando markets and that the National service discussed by Continental was that in effect before the November 15 schedule changes. National also asserts that the Board's refusal to hear the issue of new authority in the Houston-Las Vegas market (Order 76-6-161, June 24, 1976) is valid precedent for refusing to hear Houston-Tampa issues, since the markets are of similar size and receive similar service. Finally, the carrier states that Continental's real desire is for authority from Florida to Texas, New Mexico, Arizona, and California, so that the proper forum for hearing Houston-Tampa/Orlando issues would be a southern transcontinental area case.

Continental and TXI filed replies to the various answers, accompanied by motions for leave to file otherwise unauthorized documents, which we will grant.

We have decided to institute the Houston-Tampa/Orlando Investigation, Docket 31921, to consider the need for competitive nonstop authority in the Houston-Tampa market and first nonstop authority between Houston and Orlando.[7]

In accordance with the policy announced in our order instituting the Chicago-Albany/Syracuse-Boston

[1] Continental requests the addition of Tampa and Orlando as intermediate points on segment 18 of Route 29 between Houston and Miami/Ft. Lauderdale. Delta has applied for a new segment between the terminal point Houston, the intermediate point Tampa, and the terminal point Orlando. TXI requests a segment designating Houston as a terminal point, and Tampa and Orlando as coterminal points.

[2] In Docket 24776, Delta requests a route between Houston and San Francisco via San Antonio, El Paso, Albuquerque, Tucson, Phoenix, Las Vegas, San Diego and Los Angeles. Answers in opposition to that portion of Delta's motion requesting consolidation of its application in Docket 24776 were filed by Continental and American Airlines. Continental's answer was accompanied by a motion for leave to file late, which will be granted.

[3] Delta answered in opposition to Braniff's motion to consolidate, and Continental, TXI, and National oppose Western's motion to consolidate.

[4] In its traffic forecast, Continental first adjust the traffic upward to offset the influence of the work stoppages affecting National Airlines, the incumbent carrier in both markets. After allowing for growth, Continental then applies various stimulation factors, based on its Miami experience, as well as its experience in other markets.

[5] City of Amarillo and Amarillo Chamber of Commerce; City of El Paso, El Paso Airport and Mass Transit Board, and El Paso Chamber of Commerce; City of Houston and Houston Chamber of Commerce; City and Chamber of Commerce of McAllen; Cities and Chambers of Commerce of Midland and Odessa; City of Orlando and Greater Orlando Aviation Authority; City of San Antonio and Greater San Antonio Chamber of Commerce; Counties of Hillsborough and Pinellas, Florida, Greater Tampa Chamber of Commerce and City of Tampa; and Tucson Airport Authority. The Orlando parties also petitioned for leave to intervene in Dockets 29958 and 30019.

[6] The Board has now issued a decision in the Oklahoma case in which the major Tulsa and Oklahoma routes were in fact awarded to separate carriers.

[7] Although Continental asks the Board to order expedited Subpart N-type procedures for this case, it has provided no persuasive rationale for giving this case a higher priority than the other Subpart A cases we have instituted.

Competitive Service Investigation (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, constitute an important consideration, which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, and whether multiple awards are consistent with encouraging real price competition under the Federal Aviation Act.

We will not consolidate the applications in Dockets 24776, 26927, and 31644 with the proceeding we are instituting. None of the carriers seriously argues that consolidation is required as a matter of law, but they urge discretionary consolidation, arguing that a larger case would be a more efficient use of the Board's resources. Braniff, Delta, and Western have not shown any relationship between the Houston-Tampa/Orlando markets and the markets they seek to have consolidated, other than that one of the same cities is involved (Orlando for Braniff, Houston for Delta, and Tampa for Western). This is not a sufficient basis for consolidation, particularly when the requested consolidations would enlarge the case we are instituting from one involving two markets to one involving at least fourteen markets. If we consolidated these unrelated markets, it would be difficult to draw the line so as to prevent further enlargement of the case.

We will not impose any of the pretrial restrictions proposed by various carriers. Taking them individually, Southern wants a restriction prohibiting Continental from operating in the Orlando-Miami market and a determination that the applications of Southern and Continental for Tampa-Miami authority are not mutually exclusive.[8] In the first place, Continental already has long-haul restricted authority between Miami and Tampa as a result of the Denver-Tulsa-Tampa-Miami segment it received in the Oklahoma-Denver-Southeast Points Investigation, Order 77-4-146, served April 29, 1977. Any Miami-Tampa authority it received in the proceeding we are instituting would also be long-haul restricted.[9] As Southern recognizes, the Miami-Tampa segment is used primarily as entry mileage to support long-haul services,[9] and Southern is proposing the same type of service.[10] The local market obviously is well-served, so long-haul restricted entry would not be based on a finding of need for more service. In all of these circumstances, the applications of Southern and Continental are not mutually exclusive. We will not preclude Orlando-Miami local traffic rights for Continental at the outset of the proceeding we are instituting. Southern has now shown any reason why such a restriction should be imposed before the hearing. It is free to present evidence on the issue and argue that Continental should not receive this authority or should be restricted in some way.

At the time it filed its answer to Continental's motion for hearing, TWA was concerned that Continental, if awarded the authority it seeks in Docket 29958, would, in effect, receive one-stop authority in three Tampa markets (Denver, Tulsa, and Oklahoma City) then at issue in the Oklahoma-Denver-Southeast Points Investigation. As we stated above, Continental has now received Tampa-Denver/Tulsa authority as a result of the Oklahoma case, and Braniff received nonstop Tampa-Oklahoma City authority, thus making TWA's concern moot. TWA also asks for pretrial restrictions to preclude Continental from providing single-plane service between Tampa, on the one hand, and San Francisco, Los Angeles, Phoenix, Tucson, Albuquerque, Amarillo, and Wichita, on the other hand. TWA argues that it is so precluded and that the restriction was procedurally inspired, so it should receive this single-plane authority instead of Continental.[11] The Board has been moving in the direction of imposing fewer, not more, restrictions on a carrier's operating flexibility, and we are not going to restrict Continental's ability to tack at the outset of this case just because a procedural restriction was imposed on TWA in an old case. The correct remedy for TWA is to present evidence on this issue in the proceeding and/or seek the single-plane authority for itself.

Northwest seeks either a pretrial restriction prohibiting single-plane service by Continental in the Tampa-Seattle/Portland markets, or simultaneous consideration of Northwest's application for nonstop authority between Seattle and Portland, on the one hand, and Atlanta, Tampa, and Miami, on the other hand. Northwest's pleading was filed before the Board's decision in the Oklahoma case, and since Continental now has direct one-stop authority over Denver in the Seattle/Portland-Tampa markets as a result of the Denver-Tampa authority received in that case, Northwest's concerns are no longer relevant.

Finally, TXI argues that Miami-Tampa/Orlando issues should not be included in the proceeding we are instituting because (1) this could complicate the proceeding by bringing in carrier and civic parties whose only interest is in the Miami markets, and (2) although Continental does not propose Tampa/Orlando-Houston service via Miami, its application, if granted, would allow it to do so, at the expense of the Tampa/Orlando passengers. We believe the latter argument should properly be made in the context of the proceeding itself, rather than now, when there is no concrete evidence on the issue. We also reject TXI's first argument since, as we have indicated, an award to Continental of Orlando-Miami local traffic rights and a further award of Miami-Tampa local traffic rights would not necessarily preclude an award of the same authority to another carrier. Thus, since we are not required to consolidate other applications for Miami-Orlando/Tampa authority, TXI's concern that the case will be complicated and delayed by this issue is not a valid one.

Accordingly, *It is ordered* That: 1. The motions for hearing of Continental Air Lines and Texas International Airlines in Dockets 29958 and 30019 be granted;

2. A proceeding designated as the Houston-Tampa/Orlando Investigation, Docket 31921, be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. This proceeding shall consider whether the public convenience and necessity require that new authority be granted in the Houston-Tampa and Houston-Orlando markets; if so, which air carrier(s) should be authorized; and whether the new or existing au-

[8] These issues arise because Continental asks that Tampa and Orlando be added to its Miami-Houston route. Southern has applied for Miami-Tampa authority in connection with its application in Docket 31680. (The portion of its application in Docket 29312 seeking Miami-Tampa authority was dismissed by Order 77-3-167.)

[9] See footnote 12 below.

[9] Out of a total of 28 flights in the market, only one is operated on a turnaround basis. We note also that, in fiscal year 1976, there were 231,840 true O&D plus interline connecting passengers, or only 23 per flight.

[10] See its motion for hearing in Docket 31680.

[11] We note that Continental's award in the Oklahoma case gives it the ability to provide one-stop service in the Tampa-Los Angeles market over Denver, and in the Tampa-Albuquerque market over Denver and Tulsa. Houston, of course, would be a much less circuitous intermediate. Continental also now has one-stop Tampa-Wichita authority over Tulsa, a noncircuitous intermediate.

thority should be subject to any terms, conditions, or limitations;[12]

4. Any authority awarded in this proceeding shall be ineligible for subsidy;

5. The applications of Continental Air Lines in Docket 29958, Delta Air Lines in Docket 30120, and Texas International Airlines in Docket 30019 be consolidated into the proceeding instituted by paragraph 2;

6. To the extent it requests consolidation of Docket 30120, Delta Air Lines' motion to consolidate be granted; to the extent if requests consolidation of Docket 24776, it be denied;

7. The motions to consolidate of Braniff Airways (Docket 26927) and Western Air Lines (Docket 31644) be denied;

8. The motions of Continental Air Lines and Texas International Airlines for leave to file otherwise unauthorized documents and the motion of Continental Air Lines for leave to file late be granted;

9. The petitions for leave to intervene of the City or Orlando and the Greater Orlando Aviation Authority in Dockets 29958 and 30019 be granted;

10. The following be made parties to the proceeding instituted by paragraph 1: Braniff Airways, Continental Air Lines, Delta Air Lines, National Airlines, Southern Airways, Texas International Airlines, Trans World Airlines, City of Amarillo and Amarillo Chamber of Commerce, City of El Paso, El Paso Airport and Mass Transit Board, and El Paso Chamber of Commerce, City of Houston and Houston Chamber of Commerce, City and Chamber of Commerce of McAllen, Cities and Chambers of Commerce of Midland and Odessa, City of Orlando and Greater Orlando Aviation Authority, City of San Antonio and Greater San Antonio Chamber of Commerce, Counties of Hillsborough and Pinellas, Florida, Greater Tampa Chamber of Commerce, and City of Tampa, and Tucson Airport Authority;[13]

11. Applications, amendments to applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of service of this order and answers shall be filed 10 days later; and

12. Delta Air Lines, Texas International Airlines, and all other Carriers filing applications they seek to have consolidated in the proceeding instituted by paragraph 1 shall file environmental evaluations pursuant to section 312.12 of the Board's Regulations within 30 days of the date of service of this order.[14]

This order will be published in the FEDERAL REGISTER.

By the Civil aeronautics Board.[15]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-128 Filed 1-4-78; 8:45 am]

[12] This is intended to subsume the question of whether both Tampa and Orlando should be included on the same segment with local traffic rights between them, and whether Tampa and Orlando should be added to Continental's Miami-Houston segment, with local traffic rights between Miami and Tampa, Miami and Orlando, and Tampa and Orlando. We will require, however, that any services operated as a result of new authority awarded in this proceeding serve Houston.

[13] We have included as parties everyone who filed pleadings considered in this order, with four exceptions. The pleadings of American, Eastern, and Western relate solely to markets other than Houston-Tampa/Orlando which were not consolidated into and are not relevant to the proceeding we are instituting. Northwest's pleading relates to the Seattle/Portland-Tampa market, and, although this market is relevant to the instituted proceeding, we believe Northwest's concern has already been addressed in the Oklahoma-Denver-Southeast Points Investigation and resolved in Continental's favor. If we are wrong and any of these four carriers are interested in the instituted proceeding, such carriers need only petition to intervene.

[14] Continental filed an environmental evaluation with its motion for hearing.

[15] All Members concurred.

[1] Resolutions R-[6] (Agreement CAB 27037), which involve unit load device charges, are intended for effect only through September 29, 1978.

[6320-01]

[Order No. 77-12-122; Docket No. 30332; Agreement CAB 27037 R-1 through R-9 Agreement CAB 27038 R-1 through R-10]

Order

INTERNATIONAL AIR TRANSPORT ASSOCIATION

DECEMBER 22, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreements are limited in nature (i.e., binding only upon certain conference members) and were adopted at the reconvened 75th Meeting of Traffic Conference 2, held in Geneva during July 1977.

The agreements pertain to cargo air transportation within the Middle East and between Europe and the Middle East, and are intended for effect through September 30, 1979.[1] In general, they would increase general cargo rates, minimum charges, and assorted container rates and charges; would establish charges for the use of member-owned unit load devices; and would amend the specific commodity rate structures in the areas concerned.

We will approve those portions of the agreements governing rates and charges which are combinable with those to/from United States points, and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the remaining portions of the agreements, which involve noncombinable specific commodity rates between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27037:			
R-1	LA10	TC2 Limited Agreement Within Middle East (New)	2.
R-2	001j	2 Year Effectiveness Escape—Cargo (Readopting)	2 (Within M. East).
R-3	001x	Review of Cargo Rates (Readopting)	2 (Within M. East).
R-4	002mm	Standard Revalidation Resolution	2 (Within M. East).
R-5	501	Minimum Charges for Cargo (Revalidating and Amending)	2 (Within M. East).
R-6	521	Charges for the Use of Unit Load Devices (Revalidating and Amending).	2 (Within M. East).
R-7	522	Charges for the Use of Member Owned Unit Load Devices (New).	2 (Within M. East).
R-8	552	TC2 General Cargo Rates	2 (Within M. East).
27038:			
R-1	LA11	TC2 Limited Agreement Europe—Middle East (New)	2.
R-2	001j	2 Year Effectiveness Escape—Cargo (Readopting)	2 (Europe-M. East).
R-3	001k	Special Europe—Middle East Escape Resolution—Cargo (New)	2.
R-4	001x	Review of Cargo Rates (Readopting)	2 (Europe-M. East).
R-5	002nn	Standard Revalidation Resolution	2 (Europe-M. East).
R-6	501	Minimum Charges for Cargo (Revalidating and Amending)	2 (Europe-M. East).
R-7	521	Charges for the Use of Unit Load Devices (Revalidating and Amending).	2 (Europe-M. East).
R-8	522	Charges for the Use of Member Owned Unit Load Devices (New).	2 (Europe-M. East).
R-9	552	TC2 General Cargo Rates	2 (Europe-M. East).

2. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
27037:			
R-9	590	Specific Commodity Rates Board (Revalidating and Amending)	2 (Within M. East).
27038:			
R-10	590	Specific Commodity Rates Board (Revalidating and Amending)	2 (Europe-M. East).

Accordingly, *It is ordered*, That:

1. Those portions of Agreements CAB 27037 and CAB 27038 described in finding paragraph 1 above be approved; and

2. Jurisdiction be disclaimed with respect to those portions of Agreements CAB 27037 and CAB 27038 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review the order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-58 Filed 1-4-78; 8:45 am]

[6320-01]

[Order No. 77-12-124; Docket No. 30777; Agreement CAB 27036 Agreement CAB 27048 R-1 through R-3 Docket No. 29123; Agreement CAB 27050]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

DECEMBER 22, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Avaiation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). Agreements CAB 27036 and CAB 27048 were adopted by mail vote; Agreement CAB 27050 was adopted at the Reconvened TC Passenger Traffic Conference held in Geneva during November 1977.

Agreement CAB 27036 would, in general, increase passenger fares between points in Europe, on the one hand, and Afghanistan/Bangladesh/India/Male/Nepal/Pakistan/Sri Lanka, on the other hand, by five percent effective January 1, 1978. Agreement CAB 27048 would establish normal first-and economy-class fares and creative fares between points within Africa effective January 1, 1978, and would increase these fares by three percent effective April 1, 1978. Agreement CAB 27050 would amend currency adjustment factors for application to fares betweeen points within Europe, in order to relate local currency selling fares more closely to recent fluctuations in the values of the various currencies involved. We will approve those portions of the agreements which involve fares which are combinable with fares to/from United States points, and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the remaining portion, which governs noncombinable fares between foreign points and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
27036	005r	General Increase in Passenger Fares (New)	2/3.
27048:			
R-1	052	First-Class Fares (Amending)	2 (within Africa).
R-2	062	TC 2 Economy-Class Fares (Amending)	2 (within Africa).
27050	022a	TC 2 (within Europe) Adjustment Factors for Sales of Passenger Air Transportation (Amending).	2.

2. It is not found that the following resolution affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
R-3	072b	TC Creative Fares Except Europe (Amending)	2 (within Africa).

Accordingly, IT IS ORDERED THAT:

1. Agreements C.A.B. 27036, C.A.B. 27048, R-1 and R-2, and C.A.B. 27050, described in finding paragraph 1 above, be approved; and

2. Jurisdiction be disclaimed with respect to agreement C.A.B. 27048, R-3, described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-58 Filed 1-4-78; 8:45 am]

[6320-01]

[Docket 31738]

INTERNATIONAL AIR CARGO CORPORATION EGYPT

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on January 31, 1978, at 9:30 a.m. (local time), in room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 20, 1978.

This notice supersedes the notice of prehearing conference issued December 16, 1977 (42 FR 64386, December 23, 1977).

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., December 29, 1977.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-126 Filed 1-4-78; 8:45 am]

[6320-01]

[Docket 31935; Order 77-12-156]

PAN AMERICAN WORLD AIRWAYS, INC.

Passenger-Fare Increases in the Honolulu-Pago Pago Market; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1977.

By tariff revisions[1] marked to become effective December 30, 1977, Pan American World Airways, Inc. (Pan American) proposes a two-fold revision of its economy and first-class fares in the Honolulu-Pago Pago market. The first revision would set the economy fare at $149, as determined by the Board's decision in the Pacific Overseas Fares Investigation, Docket 28004 (Order 77-10-134). The first-class fare would be retained at its present level of $245. The second revision would increase the economy fare to $169, and the first-class fare to $254, the latter representing 150 percent of the former. U.S. mainland-Pago Pago fares would reflect the sum of local fares constructed via Honolulu.[2]

In support of its proposal, Pan American contends that the fares are being filed in accordance with the Board's decision in Order 77-10-134, which found that existing economy fares were unlawfully high and should be cancelled; that it should file economy fares as developed in that order; that it may file economy fares which reflect costs for a more recent period; and that the proposed economy fare of $169 is predicated on cost for the year ended September 30, 1977, escalated to March 31, 1978, consistently with the cost-projection methodology used by the Board in its 48-state rate-of-return analysis.

A complaint has been filed by the Legislature of American Samoa (Samoa) which alleges that Pan American has not adequately documented its actual cost experience or justified the high rates of increase realized during the year ended September 30, 1977, which may be "the result of unusual circumstances and therefore not indicative of the immediate future"; maintenance and depreciation costs have increased at an unusually high rate during the base year (at rates of 26.88 percent and 18.05 percent, respectively); and there is no reason to expect them to continue to escalate at those rates as Pan American's projections assume.

In answer to the complaint, Pan American states that the increases in maintenance and depreciation arise from the fact that it is carrying heavier loads in the Pacific as well as other operating sectors, which necessitate higher throttle settings. This in turn has caused increased wear on its engines, thus adding maintenance cost and requiring the purchase of more engine parts, which are capitalized and depreciated.

The Board has determined that the second revision proposed by Pan American, which would increase fares as described in the first paragraph of this order, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Pan American has projected very high rates of cost increase from September 30, 1977, to March 31, 1978—14.7 percent for direct costs and 7.3 percent for indirect costs. We simply cannot accept this projection without more adequate backup support than Pan American has provided, particularly when it would produce a fare increase of $20 in nine months.[3]

It seems to us that at least part of the cost increase realized in the base year ended September 1977, upon which the March 31, 1978, projection is based, may not be of a continuing nature or, if so, not at the rate incurred in the base year. For example, the extremely large increase in B-747 maintenance costs allegedly created by higher throttle setting from carrying heavier loads could well have been a one-time development, which—unlike general, economy-wide inflation—may not reasonably be expected to continue. Moreover, we question whether these unit cost increases, which were experienced in the totality of Pan American's Pacific operations, should be applied in their entirety to the Pago Pago-Honolulu service in question, since this segment has not experienced the greatly increased loads which allegedly explain these sudden increases.

In short, we have a responsibility to look at the end result of the recently implemented anticipatory cost concept, and to gauge that result against inflation rates in general, and what can be reasonably expected to happen in the near term. Because we are inevitably dealing in speculation, we have a responsibility to go beyond mere arithmetic projections, and examine the reasonableness of doing so in each case in terms of the probability that the experience of the recent past will in fact be replicated in the immediate future—lest the traveling public be saddled with excessively high fares on the basis of faulty projections. We would, therefore, be prepared to accept a cost projection beyond the tariff effective date, similar to that used in determining revenue need in the 48-contiguous states, only if we are reasonably assured that the projection reflects expected cost inflation and not abnormal, one-time cost increases experienced during the base period.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002, *It is ordered,* That: 1. An investigation be instituted to determine whether the fares and provisions in Table 305, on 10th and 11th Revised Pages 145 to Transpacific Passenger Fares Tariff No. 1, CAB No. 67, issued by Air Tariffs Corp., Agent, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Paragraph 1 above are suspended and their use deferred to and including March 29, 1978, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint by the Legislature of American Samoa in Docket 31815 is dismissed; and

4. Copies of this order shall be filed in the above tariff and served upon Pan American World Airways, Inc., and the complainant in Docket 31815.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics.[5]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-129 Filed 1-4-78; 8:45 am]

[1] Revisions to Air Tariffs Corp., Agent, Tariff CAB No. 67.

[2] First-class fares in the Los Angeles/Portland/San Francisco/Seattle markets would be increased to reflect the minimum 150-percent difference in fares required by the Board.

[3] The $149 economy fare derived by the Board as set forth in Order 77-10-134, is based on projected results for the year ended June 30, 1977. Pan American's proposed economy fare of $169 is based on projected costs as at March 31, 1978.

[4] This is entirely consistent with our anticipated cost adjustment used in 48-state analyses. For example, there we have isolated one major expense element, fuel, which tends to change at a different rate than airline costs in general.

[5] All Members concurred.

[6320-01]

[Docket 31491]

ST. LOUIS-LOUISVILLE AND SAN FRANCISCO BAY AREA NONSTOP CASE[1]

Further Prehearing Conference

Notice is hereby given that a prehearing conference in the above entitled proceeding will be held on January 24, 1978, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. The matters to be considered at the prehearing conference will be the subject of a separately issued Order of Administrative Law Judge.

Dated at Washington, D.C., December 29, 1977.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 78-127 Filed 1-4-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXPORT VISA REQUIREMENT FOR COTTON, WOOL, AND MAN-MADE FIBER APPAREL FROM HONG KONG, EFFECTIVE JANUARY 1, 1978

DECEMBER 30, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Implementing a visa requirement for cotton, wool, and man-made fiber apparel, produced or manufactured in Hong Kong and exported to the United States, effective on January 1, 1978.

SUMMARY: On August 8, 1977, the Governments of the United States and Hong Kong exchanged notes establishing a new bilateral agreement which includes a visa requirement for cotton, wool, and man-made fiber apparel exported to the United States. The visa will be required for apparel exported to the United States after December 31, 1977.

EFFECTIVE DATE: Effective on January 1, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton, wool, and/or man-made fiber apparel in Categories 330-359, 431-459, and 630-659, produced or manufactured in Hong Kong and exported to the United States, for which Hong Kong has not issued a visa will be prohibited. Cotton, wool, and/or man-made fiber apparel in Categories 39-63, 111-125, and 214-240, exported before January 1, 1978, will not be denied entry until June 1, 1978, provided it is visaed in accordance with previously established procedures.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230; 202-377-4212.

SUPPLEMENTARY INFORMATION: The visa for apparel products subject to the ceilings in the agreement will be a signed copy of a Hong Kong export license with a stamp on the front side reading: "Approved for export to the U.S.A. and debited against restraint limits."

The category or categories and quantities shall be correctly indicated on the visa, i.e., the export license; otherwise, the goods will be denied entry. The only exception will be instances in which the quantity indicated exceeds the actual quantity of the shipment.

Visas covering cotton, wool, and/or man-made fiber apparel products classified in categories which have been merged under the terms of the bilateral agreement, i.e., Categories 333/334, 338/339, 445/446, 633/634, 638/639, and 645/646 shall show either the combination of categories or a constituent category in the combination.

Visas or apparel products, valued under U.S. $250, need not show the correct category or quantity but shall indicate: "Approved for export to the U.S.A. goods valued under U.S. $250 and not debited against restraint limits."

There is published below a letter of December 30, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing the new visa requirement.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 30, 1977.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive of August 16, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States, effective on September 6, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, between the Governments of the United States and Hong Kong, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1978 and until further notice, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 330-359 (formerly Categories 39-63), wool textile products in Categories 431-459 (formerly Categories 111-125), and man-made fiber textile products in Categories 630-659 (formerly Categories 214-240), produced or manufactured in Hong Kong and exported to the United States after December 31, 1977, for which Hong Kong has not issued an appropriate visa. Cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported before January 1, 1978 in accordance with the previously established visa procedures shall not be denied entry until June 1, 1978.

The new visa will be a signed copy of a Hong Kong export license (Form 4 or 5) with a stamp on the front side reading, "Approved for export to the U.S.A. and debited against restraint limits."

The category or categories and quantities in the shipment shall be correctly indicated on the export license; otherwise, the goods will be denied entry. The only exception will be instances in which the quantity indicated on the export license exceeds the actual quantity of the shipment.

Visas covering cotton, wool and/or man-made fiber apparel products classified in the following categories which are merged, i.e., Categories 333/334, 338/339, 445/446, 633/634, 638/639, and 645/646 shall show either the combination of categories or a constituent category in the combination.

Visas for shipments valued under U.S.$250 need not show the correct category or quantity but shall indicate, "Approved for export to the U.S.A. goods valued under U.S.$250 and not debited against restraint limits."

Facsimiles of the visas with stamps thereon are enclosed.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Hong Kong and with respect to imports of cotton, wool and made fiber textile products from Hong Kong have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

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[1] Name changed from St. Louis-San Francisco/Oakland/San Jose Nonstop Route Proceeding pursuant to Board Order 77-12-113.

COPY

EXPORT LICENCE (TEXTILES) FORM 5

Audit No. B 033733

HONG KONG GOVERNMENT
Import and Export Ordinance (Cap. 60)
Import and Export (General) Regulations

Exporter (Name & Address)

B.R. No. , Tel. No.

Licence No. and Date of Issue. *Receipt No. and Date of Receipt.*

Consignee

Issue of this licence is approved.

for Director of Commerce & Industry.

MANUFACTURER'S DECLARATION

I, ...

principal official of .....
(Name and Address of Manufacturer's Co.)

..... hereby declare that I am the manufacturer of the goods in respect of which this application is made, ** and that I agree to supply the quota as stated below.

** Delete if not applicable.

C.O./C.P.C. Number

Tel. No. .....

Date ..... *Signature and Chop.*

Carrier	Date of Departure	Country of Destination

FOR CONDITIONS OF ISSUE PLEASE SEE OVERLEAF

WARNING—All alterations must be countersigned by authorized officers. Heavy penalties are provided for false declaration and information and unauthorized alterations and misuse of this licence.

Mark(s) and Number(s)*	No. of packages	Full Description of Goods (State Country of Origin of raw materials)	No. of Units	Value f.o.b. HK$	c.i.f value in currency of payment

Approved for export to the USA and debited against restraint limits

for Director of Trade Industry & Customs
Hong Kong

Item No.	Category/Sub-Category or Commodity Item Code No.	Name of Quota/Export Authorization/Permit Holder	Quota Reference (see * below)	Quantity Shipped in Quota Units	Total Amount	Total Amount

EXPORTER'S DECLARATION

I, ...

principal official of .....

(Name and Address of Exporter's Co.)

.....

hereby declare that I am the exporter of the ..... packages of goods in respect of which this application is made and that the particulars given herein are true.

* Insert here:—Type of Quota: Export Authorization Number, Swiss Transfer or A—Type Transfer Number or Quota Permit Number as appropriate.

Date ..... *Signature and Chop.*

C.&I. 353A (REV. 1971)

COPY

EXPORT LICENCE (TEXTILES) FORM 4

Exporter (Name & Address)

B.R. No. Tel. No.

HONG KONG GOVERNMENT
Import and Export Ordinance (Cap. 60)
Import and Export (General) Regulations

Licence No. and Date of Issue. *Receipt No. and Date of Receipt*

Consignee

Issue of this licence is approved.

.....
for Director of Commerce & Industry

Name and Address of Hong Kong Manufacturer or Country of Manufacture (if not Hong Kong)

C.O./C.P.C. Number

Tel No. .....

Carrier	Date of Departure	Country of Destination

FOR CONDITIONS OF ISSUE PLEASE SEE OVERLEAF

WARNING:—All alterations must be carried out by authorised officers. Heavy penalties are provided for false declaration and information, unauthorised alterations and misuse of this licence.

Mark(s) and Number(s)	No. of packages	Full Description of Goods (State Country of Origin of raw material)	No of Units	Value f.o.b. HK$	c.i.f. Value in currency of payment

SPECIMEN

Approved for export to the USA and debited against restraint limits

for Director of Trade Industry & Customs
Hong Kong

Item No	Commodity Item Code No.

Total Amount | Total Amount

EXPORTER'S DECLARATION

I, ... of ..... principal official of

..... *(Name and Address of Exporter's Co.)*

.....

hereby declare that I am the exporter of the ..... packages of goods in respect of which this application is made and that the particulars given herein are true.

Date ....
Signature and Chop.

C.&I. 363 (REV.1971)

COPY

EXPORT LICENCE (TEXTILES) FORM 4

HONG KONG GOVERNMENT
Import and Export Ordinance (Cap. 60)
Import and Export (General) Regulations

Exporter (Name & Address)

B R. No. Tel. No.

Licence No. and Date of Issue. *Receipt No. and Date of Receipt*

Consignee

Issue of this licence is approved.

for Director of Commerce & Industry

Name and Address of Hong Kong Manufacturer or Country of Manufacture (if not Hong Kong)

C.O./C.P.C. Number

Tel. No. .....

Carrier	Date of Departure	Country of Destination

FOR CONDITIONS OF ISSUE PLEASE SEE OVERLEAF

WARNING:—All alterations must be carried out by authorized officers. Heavy penalties are provided for false declaration and information, unauthorized alterations and misuse of this licence.

Mark(s) and Number(s)	No. of packages	Full Description of Goods (State Country of Origin of raw materials)	No. of Units	Value f.o.b. HK$	c.i.f. Value in currency of payment

Approved for export to the USA goods valued under US$250 and not debited against restraint limits

for Director of Trade Industry & Customs Hong Kong

Item No	Commodity Item Code No.		Total Amount	Total Amount

EXPORTER'S DECLARATION

I, ... principal official of

(Name and Address of Exporter's Co.)

hereby declare that I am the exporter of the ..... packages of goods in respect of which this application is made and that the particulars given herein are true.

Date .....

Signature and Chop.

C.&I. 353 (REV.1971)

[FR Doc. 77-37415 Filed 12-30-77; 11:43 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

PROPOSED 30 INDUSTRIAL STOCK AVERAGE FUTURES CONTRACT

Availability

In accordance with its established policy, the Commodity Futures Trading Commission ("Commission") is making available copies of the proposed 30 Industrial Stock Average futures contract submitted for contract market designation by the Kansas City Board of Trade pursuant to section 5 and 5a of the Commodity Exchange Act, as amended. 7 U.S.C. 7, 7a (Supp. V. 1975). Copies of the proposed contract will be available for inspection at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City, and San Francisco. Additionally, the Commission will furnish copies of the proposed contract upon request to the Executive Secretariat.

Any person interested in expressing his views on the terms and conditions of the proposed contract should send his comments by February 6, 1978 to Ms. Jane Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20585, 202-254-6316. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C., on December 30, 1977.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc. 78-131 Filed 1-4-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Amendment of Delegation Order No. 0204-1 From the Secretary of Energy

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Notice is hereby given of the amendment of Delegation Order No. 0204-1 of the Department of Energy, which was a delegation and assignment of certain matters by the Secretary of Energy to the Federal Energy Regulatory Commission. The amendment delegates and assigns to the Commission functions under sections 4 and 24 of the Federal Power Act, which the Secretary had reserved to himself in Delegation Order No. 0204-1.

EFFECTIVE DATE: December 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Nancy E. Williams, Department of Energy, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461 202-566-2454.

Robert L. Baum, Deputy General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426, 202-275-4333.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) was established by the DOE Organization Act, Pub. L. 95-91, 42 U.S.C. 7101, et seq. (1977) (the Act), which was enacted on August 4, 1977. The effective date of the Act was prescribed as October 1, 1977, by Executive Order 12009, dated September 13, 1977 (42 FR 46267, September 15, 1977).

Sections 401-407, 503 and 504 of the Act set forth the jurisdiction and authorities of the Federal Energy Regulatory Commission (the Commission), the independent regulatory commission within DOE. These sections describe those functions previously performed by the Federal Power Commission and the Interstate Commerce Commission that are transferred to, and vested in, the Commission by the Act. These sections also describe the role of the Commission in DOE Rulemaking proceedings, its role with respect to appeals of certain Remedial Orders issued by the Secretary, and its role with respect to denials of adjustments to certain rules, regulations, and orders issued by the Secretary.

In addition, section 402(e) of the Act provides that the Commission will have jurisdiction over any other matter assigned to it by the Secretary, upon public notice being given of the assignment:

> In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice. * * *

Section 642 of the Act gives the Secretary a general power of delegation:

> Except as otherwise expressly prohibited by law, and except as otherwise provided in this act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate.

Pursuant to the above provisions, public notice is hereby given that the Secretary delegates and assigns to the Commission the authority to carry out certain functions which by the act are transferred to, and vested in, the Secretary. The assignment is in the form of a delegation, in accordance with all delegations of authority made by the Secretary.

The delegation order set forth below amends Delegation Order No. 0204-1 by abrogating the reservation of sections 4(a) and 24 of the Federal Power Act contained in paragraph I of that Order. The amendment of the Delegation Order with respect to section 4(a) amends the original paragraph 1 to the extent it reserved "Section 4(a) of the Federal Power Act as it relates to river basin appraisals", since it has become apparent, subsequent to execution of the original Delegation Order, that the Commission may have need to gather data for river basin appraisals in order to carry out its responsibility to assess whether or not a project considered for hydroelectric licensing is best adapted to comprehensive development of the waterway on which the project would be located. The determination of adaptability must be made by the Commission pursuant to section 10(a) of the Federal Power Act. The amendment makes clear that the authority vested in the Commission pursuant to the Delegation Order is co-extensive with its authority under the DOE Act, in particular section 402(a) (2) of the act, which provides:

> The Commission may exercise any power under the following sections to the extent the Commission determines such power to be necessary to the exercise of any function within the jurisdiction of the Commission:
>
> (A) Sections 4, 301, 302, 306 through 309, and 312 through 316 of the Federal Power Act. * * *

By the amendment, the Commission is given authority to exercise any power under section 4 of the Federal Power Act to the extent the Commission determines utilization of the power is necessary for the Commission to perform the functions assigned to it by the Delegation Order.

The abrogation of the reservation of section 24 as it was included in the original Delegation order is a delegation and assignment only for a period of 6 months. The authority is delegated because section 24 applications do relate to hydroelectric licensing functions carried out by the Commission. Furthermore, the Commission presently has an efficient method of handling section 24 applications, and the applications are of a type which must be acted upon rapidly and daily. For these reasons, it is believed to be in the public interest to have the Commission continue to process section 24 applications for a period of 6 months. During this time period, the Commission will provide the Assistant Secretary for Resource Applications with a copy of each section 24 application filed with it, and afford the Assistant Secretary a reasonable time period to comment on the application. At the end of the 6-month time period, the Commission will prepare a report for the Secretary on its activities of those 6 months with respect to the section 24 applications. At that time, a deci-

sion will be made as to which entity or officer of the Department should from henceforth have responsibility for the section 24 applications.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C. on December 29, 1977.

WILLIAM P. DAVIS,
Acting Director of Administration.

DEPARTMENT OF ENERGY, DELEGATION ORDER NO. 0204-1, AMENDMENT NO. 1, TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as Secretary of Energy ("Secretary") and by sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91) (the "DOE Act"), paragraph 1 of Delegation Order No. 0204-1 is hereby amended to read as follows:

1. Part I of the Federal Power Act (Pub. L. 280, 66th Cong., 2d Sess., as amended), to the extent that such authority is not transferred to, and vested in, FERC by section 402(a)(1)(A) of the DOE Act, *provided* that this paragraph delegates (A) section 4 of the Federal Power Act to the extent FERC determines the exercise of such authority is necessary for it to exercise any function transferred to, and vested in, FERC by this delegation, and (B) Section 24 of the Federal Power Act (relating to the granting of entry, location, or other disposition of lands of the United States reserved or classified as power sites), *provided* that, upon receipt of an application under section 24, FERC shall provide a copy of such application to the Assistant Secretary for Resource Applications and allow such office a reasonable time to comment on the application; and, *provided further,* that, at a date six months from the date of this Order, FERC shall submit a report to the Secretary identifying the number and type of applications which have been filed with FERC under section 24 in that time period.

This amendment to Delegation Order No. 0204-1 is effective December 23, 1977.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 77-37413 Filed 12-30-77; 8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Docket Nos. ER78-110 et al.]

KENTUCKY UTILITIES CO.

Proposed Rate Schedule Change

DECEMBER 27, 1977.

Take notice that on December 14, 1977, Kentucky Utilities Co. (Kentucky) (Docket Nos. ER78-110, ER78-111, ER78-112, ER78-113, ER78-114, ER78-115, ER78-116, ER78-117, ER78-118, ER78-119, ER78-120, ER78-121, ER78-122, ER78-123, ER78-124, ER78-125, ER78-126, ER78-127, and ER78-128) tendered for filing a change in its Rate Schedule FPC No. 82, which is for service to Jackson Purchase Electric Cooperative Corp. (JPECC).

Kentucky states that the proposed rate schedule for the delivery points, listed below, provides for delivery at 69,000 or 34,500 volts, billing on rate WPS-73. Kentucky proposes an effective date of January 16, 1978.

Kentucky submitted a separate filing for each of the delivery points which are identified as:

La Center—ER78-112
Grand Rivers No. 2—ER78-111
Reed Crushed Stone—ER78-110
Calvert City—ER78-119
Kevil—ER78-118
Culp Road—ER78-117
Kansas—ER78-116
Carsville—ER78-114
Palma—ER78-115
Ledbetter—ER78-113
Shell Oil Pump—ER78-123
Cairo Road—ER78-121
Coleman Road—ER78-122
Little Union—ER78-124
Kreb Road—ER78-125
Freemont—ER78-120
Lovelaceville—ER78-128
New York—ER78-127
Husband Road—ER78-126

According to Kentucky copies of this filing were mailed to the Public Service Commission of Kentucky and Jackson Electric Cooperative Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before January 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-96 Filed 1-4-78; 8:45 am]

[6740-02]

[Docket No. ER78-130]

PUBLIC SERVICE CO. OF OKLAHOMA

Rate Schedule

DECEMBER 27, 1977.

Take notice that Public Service Co. of Oklahoma (PSO), on December 14, 1977, tendered for filing a Power Sales and Service Contract with KAMO Electric Cooperative, Inc. (KAMO), which provides that KAMO has contracted to provide electric service to certain distribution cooperative members not presently adjacent to KAMO transmission system and desires PSO to serve those off-system distribution cooperatives.

PSO also tendered for filing a Power Interchange Contract dated November 11, 1977, between PSO and KAMO providing for Interchange Power and Energy.

PSO states that the Power Sales and Service Contract will allow KAMO to purchase electric power and energy to be supplied from PSO system to the distribution cooperative members of KAMO. PSO further states that the Power Interchange Contract will allow KAMO to furnish Interchange Power and Energy from KAMO system to PSO customers at the same rate as applied to the Power Sales and Service Contract.

PSCO requests waiver of the minimum 30-day filing period and requests an effective date of January 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-95 Filed 1-4-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-6]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

This decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter "the Act"),[1] will address three requests for waiver of Federal preemption by California pertaining to amendments, specified infra, to its motorcycle emissions control program. Pursuant to several bona fide requests,[2] this decision will also recon-

[1] 42 U.S.C. 7543(b) (1977), formerly 42 U.S.C. 1857f-6a(b), as amended by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

[2] Letter from Mr. Keith Emi, Manager, Engineering Division, Yamaha International Corp., to Mr. Russell Train, (Former) Administrator, Environmental Protection Agency (EPA) (January 7, 1977); letter from

sider the waiver of Federal preemption granted on October 1, 1976 (hereinafter "prior motorcycle waiver decision"),[3] but only with regard to those portions of California's motorcycle program affected by California's subsequent actions, discussed below. The reconsideration will be made in light of the promulgation of Federal standards, certification and test procedures and emission regulations for 1978 and subsequent model year motorcycles published on January 5, 1977 (hereinafter "Federal regulations").[4]

Section 209(b)(1) of the Act requires the Administrator to grant the State of California a waiver of Federal preemption, after opportunity for public hearing, if California determines that its standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. He cannot grant a waiver if he finds that (1) the California determination is arbitrary and capricious, (2) the State does not need such standards to meet compelling and extraordinary conditions, or (3) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent.

This decision grants a waiver of Federal preemption for California's 1978 and subsequent model year motorcycle exhaust emission standards and test procedures specified in sections 1958 (a)-(e), Title 13, California Administrative Code, last amended on September 30, 1977, and motorcycle compliance testing and inspection as set forth in section 2100 et seq., Title 13, California Administrative Code, as amended June 30, 1977, and in "California New Motorcycle Compliance Test Procedures," adopted on June 30, 1977. This decision denies California's request for a waiver of Federal preemption for section 1958(f), Title 13, California Administrative Code, adopted March 24, 1977.

II. Background

The prior motorcycle waiver decision granted California a waiver of Federal preemption for its 1978, and subsequent production year, motorcycle standards and accompanying enforcement procedures adopted on July 15, 1975, as amended February 20, 1976.[5] California substantially amended its motorcycle program on March 24, 1977,[6] and requested a waiver therefor. A public hearing was held to consider these waiver matters on May 16, 1977.[7]

On June 30, 1977, the California Air Resources Board (CARB), again amended its motorcycle program by adopting compliance testing and inspection regulations.[8] EPA held a public hearing on August 3, 1977 which considered, among other matters, California's request for a waiver for those regulations.[9]

The Clean Air Act Amendments of 1977 (hereinafter "the Amendments"), were enacted on August 7, 1977.[10] EPA held a public hearing on October 13, 1977, to consider the effect of the amendments on all pending waiver requests.[11]

Prior to the EPA hearing, California took two actions pertaining to its motorcycle program. First, it adopted carbon monoxide standards, identical to the Federal standards, for 1978 and subsequent model year motorcycles.[12]

Second, it made the newly required public health and welfare determination regarding its entire motorcycle

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Stuart Philip Ross, Esq., of Hogan & Hartson on behalf of the Motorcycle Industry Council, Inc., to Mr. Russell E. Train, (Former) Administrator, EPA (January 10, 1977); letter from Mr. Dennis E. David, Manager-Legislative Section, Kawasaki Motors Corp., U.S.A. to Administrator, EPA, (February 10, 1977).

[3] 41 FR 44209 (October 7, 1976).

[4] 42 FR 1122 (January 5, 1977) (to be codified in 40 CFR 86.401-78 *et seq.*). The Federal motorcycle exhaust emission standards expressed in grams per kilometer are as follows:

Model year	Engine displacement (in cubic centimeters)
1978 and 1979	50 to less than 170.
	170 to less than 750.
	750 or larger.
1980 and subsequent.	All (50cc or larger).
	Carbon monoxide
1978 and 1979	17
	17
	17
1980 and subsequent.	12
	Hydrocarbons
1978 and 1979	5.0
	5.0+0.0155×(D−170)*
	14
1980 and subsequent.	5.0

*D=engine displacement of the motorcycle in cubic centimeters.

[5] 13 Cal. Admin. Code § 1958, adopted July 15, 1975, as amended February 20, 1976, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles." The California standards were as follows:

Production year	Hydrocarbons (grams per kilometer)
1978 and 1979 (manufactured after January 1, 1978)	10.0
1980 and 1981 (manufactured after January 1, 1980)	5.0
1982 and subsequent (manufactured after January 1, 1982)	1.0

[6] The California Air Resources Board (CARB), adopted the Federal hydrocarbon, but not the carbon monoxide exhaust emission standards for 1978 through 1981 model year motorcycles. 13 Cal. Admin. Code § 1958(b) (March 24, 1977); see note 4, supra. The CARB also adopted the Federal test procedures for all model years, including 1982 and subsequent model years. 13 Cal. Admin. Code § 1958(e) (March 24, 1977). This action resulted in differences in the definition of useful life, test vehicle requirements, provisions concerning adjustability and minor test procedures. The major test procedures change concerned the effective date on which more stringent standards become applicable. "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles" §§ 85.402(3), 85.478-1(a) (February 20, 1976). Following January 1, 1978, the Federal, and now the California, standards take effect on a model year basis. See 42 FR 1122, 1128 (January 5, 1977) (to be codified in 40 CFR § 86.402-78, 86.410-78, 86.410-80). 13 Cal. Admin. Code § 1958(b) (March 24, 1977). The net effect all of these changes is that for a manufacturer to sell motorcycles in California, it needs only to submit copies of its EPA application for certification and its Certificate of Conformity. 13 Cal. Admin. Code §§ 1958(d) and (e) (March 24, 1977). See Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Douglas Costle, Administrator, EPA. (April 15, 1977). Lastly, the CARB provided that in the event the Federal test procedures became invalid or unenforceable, the California test procedures, or the equivalent portion thereof, would govern. 13 Cal. Admin. Code § 1958(f) (March 24, 1977); Letter from Mr. William H. Lewis, Jr., Executive Officer, CARB to Douglas Costle, Administrator, EPA, 2 (April 15, 1977).

[7] 42 FR 19372 (April 13, 1977).

[8] 13 Cal. Admin. Code § 2101 and "California New Motorcycle Compliance Test Procedures" (June 30, 1977).

[9] Mailgram from Kingsley Macomber, Chief Counsel, CARB, to Ben Jackson, Director, Mobile Source Enforcement Division, EPA (June 30, 1977); letter from Mr. William H. Lewis, Jr., Executive Officer, CARB, to Douglas Costle, Administrator, EPA (July 15, 1977); 42 FR 36009 (July 13, 1977).

[10] Pub. L. 95-95, 91 Stat. 685 (August 7, 1977).

[11] 42 FR 45942, 45943 (September 13, 1977).

[12] 13 Cal. Admin. Code § 1958(b), adopted March 24, 1977, last amended September 30, 1977. The California new motorcycle exhaust emission standards, expressed in grams per kilometer are now as follows:

program.[13] The EPA considered both of these actions at its October 13, 1977 public hearing.

As a result of these actions, I have made determinations regarding the following four issues:

(1) Whether the 1982 and subsequent model year 1.0 gram per kilometer hydrocarbon standard remains technologically feasible in light of the adoption of a carbon monoxide standard and the change from January 1, 1982 to spring of 1981 of the effective date for the hydrocarbon standard with the concurrent effect on lead time,

(2) Whether California is entitled to a waiver of Federal preemption for its amended 1978 through 1981 model year motorcycle exhaust emission standards and test procedures,

(3) Whether California is entitled to a waiver of Federal preemption for its motorcycle compliance testing and inspection procedures, and

(4) Whether California's public health and welfare determination regarding its motorcycle exhaust emission regulation program is arbitrary and capricious.

III. Discussion

Public Health and Welfare. The Act now requires me to grant a waiver if California determines that its standards are at least as protective of public health and welfare as the applicable Federal standards. If I find California's determination is arbitrary and capricious, I cannot grant the waiver.[14] Section 209(b)(2) of the Act provides, in addition, that "if each State standard is at least as stringent as the comparable applicable Federal standards, such State standard shall be deemed to be at least as protective of public health and welfare as such Federal standards."[15]

Therefore, because California's motorcycle exhaust emission standards are identical to the Federal standards for the 1978 through 1981 model years, I cannot find that the California determination is arbitrary and capricious.[16]

For 1982 and subsequent model years, California's one gram per kilometer hydrocarbon standard (hereinafter "1982 hydrocarbon standard"), is clearly more stringent than the applicable Federal hydrocarbon standard of five grams per kilometer. The California carbon monoxide standard of twelve grams per kilometer is identical to the applicable Federal standard. Again, I cannot find that California's determination is arbitrary and capricious.

Need and Compelling Conditions. The Act now provides that I cannot grant a waiver if I find that California does not need its standards to meet compelling and extraordinary conditions.[17] Throughout the course of my consideration of California's amended motorcycle program, the manufacturers have contended that California—failed to demonstrate a need for a motorcycle regulatory program to enforce standards which are virtually indentical to the Federal standards.[18] However, California is entrusted with the power to select "the best means to protect the health of its citizens and the public welfare."[19]

The CARB has continually demonstrated the existence of compelling and extraordinary conditions in California.[20] In an attempt to reduce these high air pollution levels, California may adopt a set of motorcycle exhaust emission control standards identical to Federal standards, so that California can implement its own vigorous enforcement program. Based on the CARB's testimony and actions, I cannot find that California does not need its motorcycle standards to meet compelling and extraordinary conditions.

Consistency. Under section 209(b)(1)(C), I must deny a California waiver request if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. Because the California test procedures are identical to the Federal procedures, I cannot find that the California test procedures are inconsistent with the Federal test procedures. Consideration of California's more stringent 1982 hydrocarbon standard is included within the scope of this finding. I believe, however, that one issue, handled by implication in my finding, merits discussion.

A number of manufacturers have argued that the California certification program represents nothing more than a duplicative and wasteful regulatory effort.[21] These contentions ignore the fact that California does not require any separate effort as a prerequisite to certification. The current regulations impose only an informational filing requirement on a manufacturer who intends to sell motorcycles in California.[22]

Technology and Lead Time. Although this is traditionally the key issue in waiver decisions, it only arose in conjunction with two of the matters under consideration herein. They are the 1982 hydrocarbon standard as defined and affected by the Federal test procedures, including the carbon monoxide standard, and the compliance testing and inspection regulations. The remaining amended California

Model year	Engine displacement (in cubic centimeters)
1978 and 1979	50 to less than 170; 170 to less than 750; 750 or larger.
1980 and 1981	All (50cc or larger).
1982 and subsequent.	All (50cc or larger).

	Carbon Monoxide
1978 and 1979	17
	17
	17
1980 and 1981	12
1982 and subsequent.	12

	Hydrocarbons
1978 and 1979	5.0
5.0 + 0.0155 × (D-170)*	14
1980 and 1981	5.0
1982 and subsequent.	1.0

*D = engine displacement of the motorcycle in cubic centimeters.

[13] State of California Air Resources Board, Resolution 77-48 at 4 (September 30, 1977).

[14] 42 U.S.C. 7543(b)(1)(A), added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

[15] 42 U.S.C. 7543(b)(2), added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

[16] Compare notes 4 and 11, supra.

[17] 42 U.S.C. 7543(b)(1)(B) added by Pub. L. 95-95 § 207, 91 Stat. 755 (Aug. 7, 1977).

[18] See generaly Transcript of Public Hearing on California Waiver Request 88-212 (May 16, 1977) (hereinafter "May 16 Tr."); Transcript of Public Hearing on California Waiver Request 43-86 (August 3, 1977) (hereinafter "August 3 Tr."); Transcript of Public Hearing on California Waiver Requests 52-67 (October 13, 1977) (hereinafter "October 13 Tr."); note 17, supra. Letter from Joseph R. Austin, Esq., of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co., Inc., to (Mr. Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (May 1, 1977); letter from Joseph R. Austin, Esq., of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co., Inc., to (Mr. Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (August 1, 1977); Yamaha Comment on Proposed Waiver for Title 13 Compliance and Inspection Testing for Motorcycles (August 3, 1977); letter from Gene H. Hansen Esq., of Keck, Cushman, Mahin & Cate on behalf of Kawasaki Motors Corp., U.S.A. to Mr. Benjamin Jackson (Director), Mobile Source Enforcement Division, EPA (June 10, 1977); letter and comments from Mr. Dennis E. David, Manager-Legislative Section, Kawasaki Motors Corp., U.S.A. to Mr. Benjamin Jackson (Director), Mobile Source Enforcement Division, EPA (June 10, 1977); letter from Mr. John B. Walsh, Senior Staff Engineer, Safety and Legislation Department, U.S. Suzuki Motor Corp. to (Mr. Benjamin R. Jackson) (Director), Mobile Source Enforcement Division, EPA (September 2, 1977).

[19] H.R. Rept. No. 95-294, 95th Cong. 1st Sess. 301-302 (1977).

[20] May 16 Tr. 16-18; August 3 Tr. 11-13; October 13 Tr. 23-24.

[21] May 16 Tr. 92, 157-158; October 13 Tr. 54, 64.

[22] 13 Cal. Admin. Code §§ 1958 (d) and (e), as amended September 30, 1977.

standards and test procedures[23] are identical to the Federal standards and test procedures. The Federal regulations had to meet the requirements of section 202(a)(2) of the Act, pertaining to available technology, lead time and the cost of compliance, at the time of their promulgation.[24] I, therefore, find the California provisions, applicable to 1978 through 1981 model year motorcycles, to be consistent with section 202(a) of the Act.

Harley-Davidson, Kawasaki, Yamaha, and Suzuki raised a new, lead time objection to the 1982 Hydrocarbon standard.[25] Each manufacturer contended that the effective date change from January 1, 1982, to the beginning of the 1982 model year[26] eliminated six to ten months of the remaining lead time.[27] They argued that based on this reduction in available lead time, I must find that the 1982 hydrocarbon standard is no longer technologically feasible within the lead time available. However, from the data submitted by my staff, I cannot agree with these contentions.[28] Furthermore, Yamaha stated their intention to offer four stroke motorcycles to replace those two stroke motorcycles which could not meet the 1982 hydrocarbon standard.[29] Accordingly, I find that the change in available lead time does not alter my prior finding with regard to the 1982 hydrocarbon standard.

[23] See 13 Cal. Admin. Code §§ 1958(a)-(e), amended September 30, 1977.

[24] 42 U.S.C. 5721(a)(2), formerly 42 U.S.C. § 1857f-1(a)(2) as amended by Pub. L. 95-95 § 207, 91 Stat. 755 (August 7, 1977), provides that any regulation prescribed by the Administrator to implement standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles:

"* * * shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance with such period.

[25] May 16 Tr. 91, 93, 135, 139, 160-161, 201; Additional comments Re: Reconsideration of October 1, 1976, Waiver by Kawasaki Motors Corp., U.S.A. 5-6 (June 10, 1977).

[26] See note 6, supra.

[27] Note 24, supra.

[28] Memorandum on California Motorcycle Waiver-Relative Stringency of California lg/km HC vs. EPA 12 G/km CO Standards from Charles L. Gray, Jr., Chief, Standards Development and Support Branch, EPA, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, 4-5 (August 17, 1977) (hereinafter "Technical Memo"). My staff found 15 motorcycle emission test points, measured on 8 different motorcycle configuarations that produced a hydrocarbon level of one gram per kilometer or less and a carbon monoxide level of twelve grams or less. This is a dramatic change from the time of the prior motorcycle waiver decision when only one prototype motorcycle had achieved hydrocarbon emissions within the one gram per kilometer standard. See 41 FR 44209, 44212 (October 7, 1976).

[29] May 16 Tr. 152-153.

The other technological issue raised by the 1982 hydrocarbon standard concerned the manufacturers' ability to meet both the 1982 hydrocarbon standard and the 1982 and subsequent model year 12 gram per kilometer carbon monoxide standard (hereinafter "1982 carbon monoxide standard"). Harley-Dividson,[30] and Yamaha,[31] testified that they saw little difficulty in reaching the carbon monoxide standard if and when they develop the technology to meet the 1982 hydrocarbon standard. Kawasaki was unsure as to its ability to meet both standards.[32] Suzuki did not comment on this issue. Based on the foregoing testimony, on the findings in the prior waiver decision,[33] and on the analysis of my staff,[34] I cannot find that sufficient lead time does not exist to permit the development and application of the requisite technology to meet the 1982 carbon monoxide standard.[35]

Suzuki objected to compliance testing due to allegedly insufficient lead time. Suzuki submitted that it would require three years to develop and implement a program to ensure that production variability would not lead to its motorcycles failing a compliance test.[36] California takes into account production variability in both of its compliance testing procedures.[37] Suzuki has failed to present sufficient data on which to base the conclusion that its variability is great enough so as to preclude Suzuki from passing a compliance test. Accordingly, I cannot find Suzuki's request for three years lead time to implement a quality control program to be reasonable. On these grounds, I must reject Suzuki's objection.

The last lead time issue pertains to section 1958(f) of Title 13 of the California Administrative Code, adopted on March 24, 1977 (hereinafter "section 1958(f)"). In response to litigation challenging the Federal regulations,[38] California provided in section 1958(f) for reinstating the "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," as amended February 20, 1976, should the Federal test procedures be found to be invalid or unenforceable. Suzuki and Kawasaki contended that a change to the California procedures in the middle of certification would force them to start again, creating procedural inconsistencies and, thus, a lead time problem.[39] I agree with this contention. I, therefore, find that section 1958(f), as now drafted, is inconsistent with section 202(a) of the Act and hereby deny California's request for a waiver of preemption for that section.

With regard to all remaining portions of California's motorcycle regulatory program, including compliance testing and inspection, I find that sufficient lead time exists to permit the development and application of the requisite technology.

Cost of Compliance. California estimated a sixty percent reduction in certification costs attributable to its adoption of Federal standards and certification procedures.[40] It also found no additional cost caused by the adoption of carbon monoxide standards due to existence of Federal standards.[41] With regard to compliance testing and inspection, the CARB estimated an industry wide cost of $200,000 or about two dollars per motorcycle.[42] The cost-benefit relationship will depend on the number of noncomplying engine families discovered or deterred, but the CARB did estimate a net benefit.[43] Kawasaki,[44] Suzuki,[45] and Harley-Davidson[46] each contended that compliance testing would not yield any net benefits. However, these objections fall within the discretion of California to adopt a program which it feels will best protect the public health and welfare of California's citizens. Inquiry into the wisdom behind California's judgment is beyond my province.[47] Accordingly, I cannot find that the costs of complying with California's compliance and inspection program present sufficient grounds for denying California's waiver request.

[30] May 16 Tr. 104.

[31] May 16 Tr. 144.

[32] May 16 Tr. 175.

[33] 41 FR 44209, 44213 (October 7, 1977).

[34] Technical Memo 4-5.

[35] This finding does not reconsider my prior lead time and technology finding regarding the 1982 California one gram per kilometer hydrocarbon standard. This finding concerns only a manufacturer's ability to comply with the 1982 Federal and California twelve gram per kilometer carbon monoxide standard in conjunction with meeting the 1982 hydrocarbon standard.

[36] August 3 Tr. 53, 59-63, 65; Letter from Mr. John B. Walsh, Senior Staff Engineer, Safety & Legislation Department, U.S. Suzuki Motor Corp. (September 2, 1977).

[37] "California New Motorcycle Compliance Test Procedures," adopted June 30, 1977, see CARB Staff Report 77-15-2 at 5-8 (June 30, 1977).

[38] *Kawasaki Motors Corp. v. Environmental Protection Agency*, (No. 77-1102 and Harley-Davidson Motor Co., Inc., consolidated March 22, 1977).

[39] May 16 Tr. 162-164, 204.

[40] CARB Staff Report 77-6-2 at 12 (March 24, 1977).

[41] CARB Staff Report 77-20-2 at 12 (September 29, 1977).

[42] CARB Staff Report 77-15-2 at 14 (June 30, 1977).

[43] Id. at 15.

[44] August 3 Tr. 71-72.

[45] August 3 Tr. 54.

[46] Letter from Joseph R. Austin, Esq. of Tuttle & Taylor, Inc., on behalf of Harley-Davidson Motor Co. Inc., to (Benjamin R. Jackson), Director, Mobile Source Enforcement Division, EPA (August 1, 1977).

[47] 41 FR 44210 (October 7, 1976); H.R. Rept. No. 95-294, 95th Cong., 1st Sess. 301-302 (1977); see 40 FR 23102, 23104 (May 28, 1975).

FINDINGS AND DECISION

Findings. Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I hereby make the following findings:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards), for the control of emissions from new motor vehicles.

2. That I cannot find that California's determination that its 1978 and subsequent model year motorcycle exhaust emission standards are at least as protective of public health and welfare as applicable Federal standards is arbitrary and capricious.

3. California needs motorcycle exhaust emission standards to meet compelling and extraordinary conditions.

4. California's current 1978 and subsequent model year motorcycle exhaust emission standards and compliance testing and inspection programs with the exception of section 1958(f) are consistent with section 202(a) of the Act, taking into account the cost of compliance and the availability of sufficient lead time to develop and apply the requisite technology.[48]

Decision. Based upon the above discussion and findings, I hereby waive application of section 209(a) of the Act to the State of California with respect to section 1958 (a)-(e), Title 13, California Administrative Code, as amended September 30, 1977, including California's New Motorcycle Compliance Testing and Inspection Program set forth in sections 2100 et. seq., Title 13, California Administrative Code, as amended June 30, 1977 and "California New Motorcycle Compliance Testing Procedures," adopted June 30, 1977.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.), at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95812.

Dated December 30, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-161 Filed 1-4-78; 8:45 am]

[48] This finding incorporates the prior finding that sufficient lead time appears to be available to permit the development and application of the requisite technology to meet California's 1982 and subsequent model year one gram per kilometer hydrocarbon standard. 41 FR 44209, 44213 (October 7, 1976).

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificate Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the following operators* have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of Section 204 of the Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01105	Tschudi & Eitzen: *Seacamel 393-10.*
01459	Palm Line Ltd.: *Apapa Palm.*
02194	Compagnie Generale Maritime: *Mansart.*
02317	Irgens Larsen A/S: *Hilco Girl, Golar Borg.*
02470	La Crosse Dredging Corp.: *Alabama.*
02715	Allied Towing Corp.: *Hugh.*
03505	Showa Yusen Kabushiki Kaisha: *Saga Maru.*
03619	United Towing Co.: *UT-153.*
03690	The Harbor Tug & Barge Co.: *Barge 102, San Juan.*
03708	Puget Soung Tug & Barge Co.: *514, 542, 541, 507, 505, ATB 99, 551, 513, NOATAK, KAVIK, AGLOO, Inland Chief, Tyee.*
04172	Eklof Marine Corp.: *E-18.*
04413	Leif Hoegh & Co. A/S: *Hoegh Gandria, Hoegh Swallow, Hoegh Swift.*
04679	Ratnakar Shipping Co. Ltd.: *Ratna Vandana.*
04884	Hall Corp. Shipping Ltd.: *Cartiercliffe Hall.*
05577	Far Eastern Shipping Co.: *Khudozhnik Prorokov, Kapitan Shevchenko.*
05670	Vasco Madrilena De Navegacion S.A.: *Valle De Cadugua.*
05743	Reederei Barthold Richters: *Wilri.*
06034	Sincere Industrial Corp.: *Francis Sincere No. 6.*
08392	Athenian Seatrade Co. S.A. of Panama: *Anna K.*
09990	Alaska Brick Co. Inc.: *Tyonek.*
11260	Intercontinental Transportation Services Ltd.: *Estrella.*
11999	Companhia Maritima Nacional: *Maria De Penha.*
12260	Deborah Maritime Corp.: *Sibreghel.*
12507	Daewonsa Co., Ltd.: *Dae Dong.*
12592	The Mosich-Vilicich Corp.: *Mauritania, Conte Bianco.*
12621	Marine Expediting Co.: *BT 2, SJT 4, GW-100, Sarah E. Thomas, BU-45, NBC-992, T 100 Sl, T 150 Sl, T 200 SL, T 250 SL.*
12713	Mosswood (Bahamas) Ltd.: *Mercator One.*
12861	Lambda Fisser KG & Co.: *Messberg.*
12874	Maritima Polux S.A.: *Maposa Sexto.*
12887	Caribbean Mini-Tankers Ltd.: *United Sun.*
12893	Gulf Oil Belgium S.A.: *Belgulf Strength.*
12911	Partsrederiet Wind Tankers: *Wind Enterprise, Wind Eagle, Wind Escort.*
12912	Arnalda Maritime Co. Ltd.: *Cretan History.*
12913	Massitos Shipping Co. S.A.: *Elent K.*
12949	Wilton Maritime Transport Ltd.: *Patricia V.*
12950	Denali Fisheries Inc.: *Denali.*
12960	Pallas Shipping Agency Ltd.: *Fairfield Sunrise, Senhorita, Fairfield Jason, Amanda, Pacific Jasmin, Southern Cross I, World Atlas, World Commander, Golden Laurel, Carica, Asia Falcon, Asia Hunter, Regent Violet, Halo, Golden Pine, Eastern Mary, Regent Cedar, Begonia, Regent Botan, Eastern Matsu, Regent Marigold, Regent Cosmos, Regent Fleur, Bellis.*
12963	Sypros Shipping Co. S.A.: *Proodos C.*
12967	Antillean Coastal Traders Ltd. & M. Forshaw: *Catell.*
12983	Chemlink Co., Inc.: *Arcadian 90, Arcadian 93, Arcadian 95.*
12990	Gemini Maritime Corp.: *Gemini Pioneer.*
12994	Transport Desgagnes Inc.: *Mont St. Martin, Jacques Desgagnes.*
13001	Angelica Shipping Inc.: *Scan Eastern.*
13011	Summit II Inc.: LNG Aries.
13014	Atlantic Overseas Tankers Inc.: *Brazilian Friendship.*
13016	Captain Hans-Erich Ludtke: *Sybille.*
13018	Hadjihassan Shipping Corp. S.A.: *Hassan B.*
13023	Merak Shipping Co.: *Merak.*
13025	Federal Pacific (Liberia) Ltd.: *Federal Schelde.*
13034	Tres Estrella Ltd.: *El Gato Blanco.*
13043	Partrederiet Tarcoola: *Tarcoola.*
13051	Cove Trading Inc.: *Cove Trader.*
13052	United Martime Tanker Transportation Inc.: *Oriental Explorer.*
13054	Scandinavian Partnership Nine: *Atlantic Prosperity.*
13055	Compania Comercial Y Naviera "San Martin" S.A.: *Costanza M, Carlo M.*
13056	Koch Dock Co.: *H & S Barge No. 2, Koch Fueler No. 1, H & S Barge No. 3.*
13057	Nautical Shipping of Tortola Ltd.: *Roamin Brio.*
13058	Gulf Brownsville Shipping Ltd.: *Gaspesien.*
13059	Suncoast Ltd.: *Sun Coast.*
13060	Union Ocean Marine Co. S.A.: *Union New York.*
13061	Yamasan Tsubo Suisan Kabushiki Kaisha: *Azuma Maru No. 11.*
13062	Taisei Kisen K.K.: *Shinsei Maru.*
13063	Partrederiet Tennessee: *Tennessee.*
13064	Isskip H.F.: *Isnes.*
13065	Regent Scorpio Shipping Inc.: *Regent Scorpio.*

Certificate No.	Owner/operator and vessels
13066	Rederij Adine: *Adine.*
13067	Almarino Navigation Ltd.: *Falcon Arrow.*
13069	South Rainbow Shipping Inc.: *South Rainbow.*
13072	Granreunion Co.: *Reunion.*
13073	Hood Co. Ltd.: *Akbar.*
13074	Kythera Shipping Corp.: *Kythera.*
13075	Rolaco Trading & Contracting Abdul Aziz Al-Abdulla Al-Suleiman and Co.: *Dima.*
13077	Shannon Navigation Co. Inc., Panama: *Maritime Hawk.*
13078	Thermaico Gulf Shipping Co. S.A.: *Thermaicos Gulf.*
13079	James Bay Exploration Co. Inc.: *James Bay.*
13081	Flying Turtle Charter & Trading Co., Ltd: *Gretchen.*
13082	Evripos Shipping Co., S.A.: *Regins.*
13083	Shibco 668 Inc.: *Tonsina.*
13085	Diamond Star Shipping S.A.: *Irene Pateras.*
13086	Greekland Shipping Co. Ltd. Panama: *Filia.*
13087	Queensway Tankers Inc.: *Stuyvesant.*
13088	Rim Maritime Ltd.: *Gardenia.*
13090	Caspar Shipping Inc.: *Casparia.*
13091	Metropolitan Sea Trade Corp.: *Mandolyna.*
13092	Pacific Union Container Transports Ltd.: *Hong Kong Container.*
13093	Mano Shipping & Trading Corp., Monrovia: *Evniki.*
13094	K/S Merc Scandia XXI: *Mercandian Atlantic.*
13095	Kingston Shipping Co. Inc.: *Bunker, Capricorn.*
13096	Amherst Shipping Co. Inc.: *Trader.*
13097	Mount Ocean Line S.A.: *Celtarose.*
13098	Hyco Subsea Inc.: *Hudson Handler.*
13099	Regent Leo Shipping Inc.: *Regent Leo.*
13100	Morgan Marine Corp.: *MR 1, MR 2.*
13101	Pacific Sunshine S.A.: *Ocean Symphony.*
13102	Iasmos Shipping Co. S.A.: *Good Friend.*
13107	United Baltic Corp. Ltd.: *Baltic Viking.*
13108	Partenreederei MS Gotaland: *Gotaland.*
13110	Belco Petroleum Corp. of Peru: *Mr. Pat.*
13111	Polykyn Navigation Corp.: *San Nicolas.*
13112	Ateniense Armadora S.A. Panama: *Geortina.*
13113	United Petroleum Carriers Inc.: *Energy Concentration.*
13114	United Maritime No. 1 Tanker Transport Inc.: *Oceanic Winner*
13115	United Maritime No. 2 Tanker Transport Inc.: *Atlantic Conqueror.*
13116	Mallard Maritime Inc. of Monrovia: *Bravo Exporter.*
13117	Iyo Kosan (Panama) S.A.: *Hillstar, Sweet Sultan.*
13118	Transocean Ro Ro Corp.: *Seaspeed America.*
13119	Frigomaris Kuhlschiff Reederi G.m.b.H.: *Guava.*
13120	Bahia Shipping Enterprises Corp.: *Pambola.*
13121	Allamanda Ltd.: *John Ross.*
13122	Partrederiet Takamine: *Takamine.*
13123	Pegasus Shipping Co.: *Nostos.*
13124	South Asia Shipping Co. Ltd.: *Marine Star.*
13126	Tenei Kaiun K.K.: *Hokko Maru, Toko Maru, Seiko Maru.*
13128	Salgaocar Shipping Co. Private Ltd.: *Daya Parvati.*
13129	Sari Shipping Private Ltd.: *Goldensari I.*
13130	Good Sailor Shipping Co. Ltd.: *Good Sailor.*
13131	Sternal Navigation Co. S.A.: *Sternal Trader.*
13132	Oceanic Reefer Corp.. *Antartide.*
13133	Southport Maritime Corp.: *Aristotle S. Onassis.*
13134	Cast Motor Vessels Ltd.: *Cast Otter.*
13135	Consolidated Dock Inc.: *W. C. Richardson.*
13136	Nova Scotia Navigation Ltd.: Oceanus Carrier.
13137	Loutra Shipping Co. Ltd.: *Irenes Sun.*
13138	Yosonas Shipping Co. Ltd.: *Irenes Sky.*
13139	Irvington Investments Inc.: *Apple Blossom.*
13140	Evigar Compania Naviera S.A.: *Tofalos G.*
13141	Seafort Shipping Corp.: *St. Nicolas.*
13143	Trans Caribbean Maritime Inc.: *Ocean Freeze.*
13144	Dhalit Rosenfeld (Shipowners) Ltd.: *Dhalit.*
13145	Jay Shree Shipping Prop: Jay Shree Tea & Industries Ltd.: *Jay Ambika.*
13148	Maritima de Cementos y Graneles S.A.: *Arquitecto Herrera.*
13149	Maritima Cilsante S.A.: *Emma.*
13150	Shenandoah Shipping Co.: *Heron.*
13151	Buckeye Shipping Corp.: *Gem.*
13152	Celina Shipping Co. Ltd.: *Iscelu.*
13154	Koal Shipping Corp.: *Sea Falcon.*
13155	Taizan Kaiun Kabushiki Kaisha: *Oceanic Marina.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-81 Filed 1-4-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

In addition, notice is also given that the operators indicated by an asterisk (*) have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204 Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01052	Concord Line A/S: *Gunver Cord.*
01092	Thor Dahls Hvalfangerselskap A/S: *Thorscape.*
01146	Joklar H.F.: *Hofsjokull.*
01255	Skjelbreds Rederi A/S: *Nortrans Egero.*
01352	Korea United Lines Inc.: *Korean Amber.*
01453	Alden Shipping Co. Ltd: *Shropshire.*
01758	Chotin Transportation Inc.: *ETT-116.*
01887	Carbocoke Societa di Navigazione S.P.A.: *Enrico Fermi.*
01910	Deutsche Dampfschifffahrts Gesellschaft Hansa: *Reichenfels.*
01935	Partnership between Steamship Co. Svendborg Ltd., and Steamship Co. of 1912 Ltd.: *Nora Maersk.*
02039	Gryf Deep Sea Fishing Co. *Bogar.*
02234	Gulf Mississippi Marine Corp.: *Gulf Fleet 261, Gulf Fleet 260, Gulf Fleet 208, Gulf Fleet 290, Gulf Fleet 291.*
02301	Naviera Vizcaina S.A.: *Munguia.*
02360	Concord Trading Corp.: *Caspiana.*
02418	Sidermar S.P.A.: *Ursa Major.*
02429	G & C Towing, Inc.: *GTC-8, GTC-9.*
02603	Empresa Hondurena De Vapores S.A.: *Turrialba.*
02721	Healy Tibbitts Construction Co.: *Pacific Driller.*
02862	Ocean Shipping & Enterprises, Ltd.: *Ocean Esperance.*
02975	Venture Shipping (Managers), Ltd.: *Fountain Venture.*
02976	Arthur-Smith Corp.: *RV 10.*
02980	Rederi A/S Mimer & A/S Norfart: *Lake Antara.*
02982	The Shipping Corp. of India, Ltd.: *Vallabhbhai Patel, Har Rai.*
03216	Salenrederierna AB: *Forest Wasa.*
03315	Afran Transport Co.: *Afran Dawn.*
03432	Hinode Kisen K.K.: *Kashima Maru.*
03441	Japan Line K.K.: *World Duke.*
03447	K.K. Kyokuyo: *Wakaba Maru No. 3.*
03467	Nichiro Gyogyo K.K.: *Sekishu Maru, Zuiho Maru No. 8, Kuroshiro Maru No. 27.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Thames Maru.*
03693	Marmac Corp.: *BC-110.*
03708	Puget Sound Tug & Barge Co.: *19, 50, 51, 95, 98, ATB 50, ATB 51, ATB 95, ATB 98.*
03741	Nipigon Transport, Ltd.: *Lake Nipigon.*
03841	American Export Lines, Inc.: *Great Republic, Defiance, Young America, Red Jacket.*
03852	Guy F. Atkinson Co.: *ZB 11, ZB 28, ZB 8.*
03878	Ingram Barge Co.: *T/B Mississippi, T/B Christy 211, T/B Memphis.*
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Mineral Samitri, Montaigle.*
04230	James Fisher & Sons, Ltd.: *Calderon.*
04240	Petroleo Brasileiro S.A.: *Jurupema.*
04276	Rivtow Straits, Ltd.: *Gibraltar Straits.*
04284	Oil Base, Inc.: *U 716.*
04289	Dixie Carriers, Inc.: *ETT 112, ETT 119.*
04392	Radcliff Materials, Inc.: *Mr. RB.*
04503	Okutsu Suisan Kabushiki Kaisha: *Zenko Maru No. 85.*
04528	Kabushiki Kaisha Sugacho Suisan: *Choko Maru No. 68.*
04559	Daito Enyogyogyo K.K.: *Daito Maru No. 18.*
04623	Seaspan International, Ltd.: *Seaspan 251.*
04642	South African Marine Corp., Ltd.: *S.A. Langeberg.*
04665	Naviera De Castilla S.A.: *Santillana.*
04933	The Revilo Corp.: *Sunstate No. 5.*
05027	Westwing Africa Line, Ltd.: *Desert Prince.*
05036	Companhia Nacional De Navegacao: *Quimico Leixoes.*
05048	P. Laeisz *Seatrain Lexington, Seatrain Princeton.*
05098	Esso Tankers, Inc.: *Esso Mediterranean.*
05271	Compania Chilena De Navegacion Interoceanica: *Austral.*
05529	Union Carbide Corp.: *NMS-1903.*
05579	Black Sea Shipping Co.: *Nikolay Zhukov, Nikolay Shchukin, Nikolay Morozov, Mikhail Stenko.*
05631	Manson Construction & Engineering Co.: *Haakon.*
05846	Nordsee-Deutsche Hochseefischerei: *Munchen.*
06003	Belcher Towing Co.: *Belcher No. 38, Belcher Port Manatee No. 23.*
06079	Compania Arrendataria Del Monopolio De Petroleos C.A.M.P. S.A.: *Campomino.*
06729	Overseas Containers, Ltd.: *Resolution Bay.*
06950	Syra Compania Maritima S.A.: *Syra.*
07255	Teh Tung Steamship Co. Ltd.: *Chiko.*
07772	Great Eastern Maritime Co. Ltd.: *Ingrid II.*
07871	Sdad. Anma Eduardo Vieira: *Vieirasa Cuatro.*
07872	Pesqueros Tabeirones S.A.: *Zamanes.*
07890	Logicon Inc.: *RM 100, Greenville, RM 101.*
08002	Marcona Ocean Industries Ltd.: *Juana.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Mariner.*
08133	Good Commander Shipping Co. Ltd.: *Good Mariner.*
08507	Thai Ocean Transportation Co. Ltd.: *Siam.*
08530	Prompt Shipping Corp. Ltd.: *Aegean Career, Molucca Career.*
08523	Pesquera Cies. S.A.: *Perca.*
08945	Coastal Towing Inc. Springhill: *Coastal 2500, Coastal 2501.*

Certificate No.	Owner/Operator and Vessels
08777	Jebsens (UK) Ltd.: *Clarknes, Clydenes.*
08789	S. Bartz-Johannessen A/S: *Bravado*
08884	Arctic Shipping Singapore (PTE) Ltd.: *Tai Ping, Tagaytay.*
08999	Sause Bros. Ocean Towing Co. Inc.: *Siuslaw.*
09002	Commercial Transport Corp.: *J.A.R. 3, J.A.R. 1, J.A.R. 6.*
09003	VTG Vereinigte Tanklager und Transportmitte G.m.b.h.: *Wasserior, Steintor.*
09021	Daeyang Shipping Corp. Ltd.. *Aeneas.*
09031	Union Mechling Corp.. *957, 958, 960, 961, 962, 963, 964.*
09252	Ocean Victory Ltd.. *Silver Star.*
09353	K/S A/S Vapore & Co.. *Sand Shore.*
09390	Seacoast Products Inc.. *Bull Dog.*
10051	Reederei Kapitaen Heyo Janssen: *Scantrain.*
10153	Johan Reksten Rederi A/S: *Jorek Contender.*
10199	Williams-McWilliams Co. Inc.. *CTCO 302-6.*
10214	Arco Iris Naviera S.A.. *Alaska.*
10260	Hollywood Marine Inc.. *Hollywood 2201, Hollywood 1601.*
10190	Union Gulf Marine Co. S.A.. *Union San Francisco.*
10433	Estonian Shipping Co. *Mikhail Kedrov.*
10772	Floata Global S.A.. *Pacific Princess.*
10903	Romen Inc. S.A.. *Ciudad De Itagui, Providenciu, Irazu.*
10971	Luria Brothers and Co. Inc.: *General H.W. butner.*
11256	Field-Swire Drilling Co.. *Mike G. Rutherford.*
11344	Brusco Towboat Co.. *Sause Brothers No. 12, ZB 45.*
11503	Sea Horse Marine Inc.: *STC 412.*
11515	Palmer Barge Line Inc.: *Wasson 8.*
11614	Chung Gai Ship Management Co. Ltd.: *Saturn Diamond.*
11714	Global Transport Organisation: *450-10, 450-11.*
11963	Kabushiki Kaisha Sakyu Shoten: *Ryuho Maru No. 18.*
12041	Uiterwyk Corp. *Patricia U. Polar Brazil, Polar Paraguay.*
12098	World Rudder Maritime Corp.: *South Light.*
12105	Transocean Liners (PTY) Ltd.: *Talana.*
12115	Nippon Kyodo Hogei K.K.: *Toshi Maru No. 11, Toshi Maru No. 17.*
12131	Parimar S.A.: *Chaparral, Aguadulce.*
12261	Anchor Trading Co. Ltd.: *Bunker Antigua.*
12296	Kai Union S.A.: *Union Carrier.*
12316	Ganymed Schiffahrtsgesellschaft M.B.H.: *Morillo, Iceland, Cherry, Nordland, Clementina, Pecan.*
12339	Gulf Water Fueling Inc.: *Gulf Intercoastal 102.*
12389	Tradeships Ltd. Inc.: *Wandajean.*
12405	Seecon Schiffahrtskontor G.m.b.h.: *Ilok, Mundsburg.*
12413	Eiyu Kaiun K.K.: *Eiyu Maru No. 1.*
12434	United Arab Shipping Co. (S.A.G.): *Ahmed Al-Fateh, Al Yamamah, Jilfar, Theekar.*
12438	Oceaneering International Inc.: *Sea Rigger I, SS-12, SS-18.*
12453	Diades Navigation Inc. of Panama: *Kato.*
12575	Ro Ro Charterers Corp.: *Seaspeed Asia.*
12643	Empire Navigation Ltd.: *Argdep Jr.*
12666	Bodega Randolph, S. de R.L. de C.V.: *Theta.*
12676	Oriental Pearl Line Kabushiki Kaisha: *Sun Diamond.*
12709	Childress Co.: *CT 3, CT 4.*
12711	Golden Triangle Towing and Fueling Co. Inc.: *NBL-1001, NBL-1002, NBL-1400 NBL-1401, NBL-2005, NBL-2006.*
12739	Leader Marine Co. S.A.: *Fresca.*
12757	Intermare KG KS Kuhlschiff GMBH & Co.. *Alaska, Nectarine, Anona, Satsuma.*
12758	Intermare II KS Kuhlschiff GMBH & Co. Munchen: *Antarctic*
12789	American Wind Symphony Orchestra: *Point Counterpoint II.*
12795	Ergon Inc.: *MM-107.*
12798	Safety Management Corp.: *Minyee.*
12811	OHG Vineta Seereederei GMBH & CO.: *Maritime Carrier.*
12834	Central Rivers Inc.: *Scott Chotin.*
12837	Ming Kyo Fisheries Co. Ltd.: *Ming Kuo No. 31.*
12844	Y II Shipping Co. Ltd.: *Yeocomico II.*
12847	China Overseas Shipping Co. Ltd.: *Eastern Dolphin.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-82 Filed 1-4-78; 8:45 am]

[6730-01]

[Docket No. 73-24; Agreement No. T-2635-2]

PACIFIC MARITIME ASSOCIATION FINAL PAY GUARANTEE PLAN

Reopening of Proceeding

Agreement No. T-2635-2, the subject of this proceeding, is an agreement between members of the Pacific Maritime Association (PMA), an association of employers of longshore labor, containing a formula by which PMA members are assessed to cover certain longshoremen's benefits under a collective bargaining agreement with the International Longshoremen's and Warehousemen's Union. Under this formula automobile and trucks cargoes, exclusive of truck trailers, are assessed on a measurement ton basis at a rate one-fifth the amount of assessment per revenue ton applicable to general cargo.

Wolfsburger Transport-Gesellschaft m.b.h. (Wobtrans) had protested approval of the Agreement, alleging that it unlawfully treated automobile cargoes, and we instituted this proceeding to determine:

(1) Whether Agreement T-2635-2 is unjustly discriminatory or unfair as regards to carriage of automobiles, and accordingly whether it should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916;

(2) Whether automobiles are subject to any undue or unreasonable disadvantage because of the assessment in violation of section 16 of that Act; and

(3) Whether the assessment being charged against automobiles is an unreasonable practice related to receiving, handling, storing, or delivering property in violation of section 17 of that Act.

In our decision of June 25, 1975, we had found the automobile assessment lawful and approved the agreement, on the basis that the benefits accruing to automobiles under the assessment fund were sufficient to justify an assessment against such cargo at what the Commission found to be the effective rate of the assessment under the agreement, i.e., approximately 1½ times that imposed against breakbulk cargo. On August 25, 1977, however, the Court of Appeals for the District of Columbia Circuit issued a decision in its No.74-1934, *Wolfsburger Transport-Gesellschaft m.b.h.* v. *FMC & USA,* remanding the subject proceeding to the Commission for the purpose of developing "a reasonable and understandable comparison between the benefits accruing to breakbulk cargo and those realized by automobiles."

Following this Court decision, both the Commission and Wobtrans filed motions for reconsideration, the former alleging that the Court erred in failing to find that the Commission's determination was supported by substantial evidence, and the latter maintaining that the remand to the Commission should require that the Commission find whether PMA's automobile assessments "are fairly and appropriately proportioned to the benefits accruing to any other category of preferred cargo, not solely breakbulk cargo." Both motions were denied.

The Department of Justice, representing the United States as statutory respondent, moved for "clarification" of the Court's mandate to require the Commission to determine "a fair allocation of the total assessment on all cargo based upon the portion of the total benefits accruing to each type of cargo." We opposed this motion on the grounds that it was an attempt to reraise, under the guise of a request for clarification, an argument already rejected by the Court, and this motion was also denied.

The Court, by separate order filed October 5, 1977, the same day that orders denying the above described motions were entered, amended its opinion to read: "the case is remanded to the Commission for further proceedings to develop a reasonable and understandable comparison between the benefits accruing to other cargoes, including breakbulk and those realized by automobiles".

The Court, on December 2, 1977, issued its mandate remanding the case to us.

Therefore, *It is ordered,* That the subject proceeding is reopened for the purpose of (a) determining whether Agreement T-2635-2 is unjustly discriminatory or unfair as regards the carriage of automobiles and accordingly whether it should be modified or disapproved pursuant to section 15, Shipping Act, 1916, and (b) investigating the matters set forth in the original order of investigation as described in the paragraphs numbered (2) and (3), supra;

It is further ordered, That, in making determinations with respect to such issues, particular heed should be paid to the above-described action of the Court of Appeals in remanding this case to us;

It is further ordered, That this proceeding be referred for public hearing

before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later then June 23, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That a copy of this Order be forthwith served upon PMA and its members, Wobtrans, and the Commission's Bureau of Hearing Counsel, who are and shall remain parties herein, and be published in the FEDERAL REGISTER, and that such parties be duly served with notice of time and place of hearing;

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies), other than the above named parties, having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately, and petition for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72), with a notice to the Commission's Bureau of Hearing Counsel and other parties to this proceeding; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all of the parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-107 Filed 1-4-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of Second Bancorporation, Eldora, Iowa, and thereby to acquire indirectly 100 percent of the voting shares of Second National Bank, Eldora, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 26, 1978.

Board of Governors of the Federal Reserve System, December 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-90 Filed 1-4-78; 8:45 am]

[6210-01]

MADISON NATIONAL CO.

Formation of Bank Holding Company

Madison National Company, Madison, Neb., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 94.13 percent or more of the voting shares of the Farmers National Bank of Madison, Madison, Nebr. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 23, 1978.

Board of Governors of the Federal Reserve System, December 29, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-91 Filed 1-4-78; 8:45 am]

[6210-01]

[Docket No. R-0138]

NET SETTLEMENT OF MEMBER BANK RESERVE ACCOUNTS AND AUTOMATED CLEARING HOUSES

Announcement of Proposed Actions

SUMMARY STATEMENT: The Board of Governors has announced its intention to take two actions regarding its funds transfer and clearing services. The first action is the approval of a request from a group of member banks participating in a private clearing and settlement organization that Federal Reserve Banks make available to them a net settlement service for their funds transfer messages. In the second action, the Board has approved plans to provide, by year end 1978, interregional clearing and settlement services for funds transfers originated at automated clearing house associations. The Board intends to take these actions in order to improve the efficiency of the nation's payments mechanism and to encourage private-sector development of electronic payments services for the public. The Board has invited public comment on these actions by February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Kudlinski, Director, Division of Federal Reserve Bank Operations, 202-452-3985; or Allen L. Raiken, Assistant General Counsel, 202-452-3625, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

I. INTER-DISTRICT NET SETTLEMENT BY FEDERAL RESERVE BANKS FOR MEMBER BANKS

The Board of Governors has considered a request from an organization of member banks that Federal Reserve assistance be provided to member banks participating in an independent privately owned organization providing interbank funds transfer services. The member banks participating in this organization have requested assistance from the Federal Reserve System in an arrangement to use their reserve account balances at Federal Reserve Banks to settle for payment transactions that have been exchanged through a private clearing organization known as the Bankwire to which these member banks belong. Bankwire is operated by the Payment & Administrative Communications Corp., a privately owned corporation. The proposed arrangement would allow the Federal Reserve member banks in this organization, during daily operations, to transfer among themselves payment instructions throughout the country via Bankwire and then to settle for those funds transfers on that same day using the Federal Reserve Communications System to make appropriate adjustments to member bank reserve account balances.

The member banks participating in the Bankwire organization have indicated that significant efficiencies in their current clearing and settlement services will be achieved through the receipt of the net settlement service requested. The proposed net settlement service would consist of Federal Reserve Banks making debit and credit entries to the reserve accounts of member banks that are members of Bankwire. Bankwire would be appointed the agent of the participating member banks, and would be responsible for providing a designated Federal Reserve office with a list of debit and credit settlement instructions necessary to effect the net settlement. Upon

obtaining this information, which would be received through a link-up of the Federal Reserve Communications System and the Bankwire system, the designated Federal Reserve office would distribute the accounting entries to the Federal Reserve Banks for posting to the reserve accounts of the participating member banks. This posting would represent the net amount "due from" or "due to" the member bank resulting from payment transactions exchanged that day through the Bankwire system.

For some time the Federal Reserve has provided settlement services for member banks that, within individual Federal Reserve Districts, participate in privately run local and regional clearing organizations by charging and crediting net entries to the member banks' reserve accounts. The proposed settlement service differs from such existing services in that it will be offered on an inter-District, rather than on an intra-District basis. The Board perceives that adoption of this proposal will enhance the settlement services that it offers to member banks. The Board expects that the availability of these settlement services will facilitate member bank participation in private-sector payments clearing arrangements and will result in same-day funds availability for member banks participating in this private-sector clearing organization. The Board views these services as consistent with the Federal Reserve System's commitment to provide assistance to private sector initiatives directed toward improving the efficiency of the nation's payments mechanism. Providing this net settlement service should permit the Bankwire organization and its member banks to offer improved funds transfer services to the public.

Should other requests by member banks for specialized settlement services be received in the future, the Board will review these requests on a case-by-case basis considering among other matters overall System capabilities and consistency with the Federal Reserve's traditional payments mechanism responsibilities.

II. INTERREGIONAL CLEARING AND SETTLEMENT SERVICES THROUGH AUTOMATED CLEARING HOUSES

On the basis of its review of the recently completed pilot study, the Board of Governors has determined that it is appropriate for the Federal Reserve System to establish an Interregional Automated Clearing House system. The Board believes that interregional clearings will facilitate the development of a more efficient nationwide payments system available to depository institutions and will provide research and development data and experience that should be of assistance to other potential developers of automated clearing services. Provision of this interbank service also should enhance the opportunities open to depository institutions for developing improved "retail" payments services for the public. The Board intends to have the Federal Reserve interregional ACH system operational by the end of 1978.

Since 1968 the Federal Reserve System has assisted groups of depository institutions in the development and operation of automated clearing houses (ACHs) that provide facilities for the exchange of payment information on magnetic tape (1976 Fed. Res. Bull. 481). These facilities were developed as a means of reducing the growing volume and increased cost of processing paper checks. At the present time, the Federal Reserve provides processing, settlement and delivery services on a regional basis for 31 automated clearing house associations and makes available settlement and delivery services for two privately operated ACHs. These facilities are also used in connection with the Federal Reserve's participation as fiscal agent in the Federal Government's recurring payments program. At the present time the major portion of Federal Reserve System ACH transactions consist of direct deposit and other funds transfers for the United States Treasury.

In 1976, the National Automated Clearing House Association (NACHA) requested Federal Reserve participation in a pilot study to determine the feasibility of handling inter-District ACH items over the Federal Reserve Communications System. Ten ACHs participated in the interregional pilot. Depository institutions belonging to the participating ACH associations received instructions from corporate customers to pay out or collect funds from customers who elected to participate in the program. Generally, under the pilot, the instructions were for the collection of insurance payments and for income payments. The customers deposited these instructions on magnetic tape with their local Federal Reserve clearing and settlement facility, and the instructions were transmitted to the receiving facility using the Federal Reserve Communications System. The receiving Federal Reserve ACH facility processed and delivered the instructions to the appropriate depository institutions for debiting and crediting to the accounts of their customers. Settlement for the funds transferred was through the reserve accounts of member banks.

The feasibility and potential benefits of a nationwide ACH facility has been demonstrated in the Treasury's direct deposit program and in the pilot test of interregional commercial payments. The Board believes that the probable long run efficiencies resulting from interconnection of all operating ACH facilities justify the Board's action at this time to provide these services to the Tresury, member banks, and other members of ACH associations. Moreover, the Board regards its action to interconnect the current regional ACH facilities as a research and development program that will provide technical data and experience in the operation of nationwide ACH facilities. The Federal Reserve System intends to make this information available to those in the private sector interested in the development of alternative systems.

The Board intends to continue to reevaluate Federal Reserve participation in the ACH program in order to assure that its actions remain consistent with its payment mechanism responsibilities. In this regard, the Board views its participation in a nationwide ACH facility providing services to member banks, other depository institutions and the U.S. Treasury as an appropriate activity. The Board has carefully considered the report of the National Commission on Electronic Fund Transfers to the President and Congress with regard to the Federal Reserve's role in the development of ACH systems. The Board's participation in a national ACH system for depository institutions was specifically considered by the Commission and was determined to be a proper action for the Federal Reserve (Final Report—National Commission on Electronic Fund Transfers (1977), p. 214). In addition, upon review of the results of the interregional pilot, the National Automated Clearing House Association, comprised of 9,000 member and nonmember banks and 1,000 thrift institutions offering ACH retail payment services to their customers, has requested that the Federal Reserve take action to interconnect local ACH facilities nationwide in order to provide financial depository institutions with access to a basic level of automated clearing and settlement nationwide, as in the check system.

The technical procedures and time schedule employed in the pilot test of interregional clearing and settlement are expected to serve as the model to be used in providing such service nationwide. The longer-term objective, is to provide a clearing and settlement system that is more efficient than the check system. The Board anticipates that Reserve Banks will work closely with the national and the local ACH associations in implementing interregional ACH services as it believes such cooperative efforts are necessary and have been successful in the past.

Currently, member banks and members of automated clearing house associations, including thrift institutions, may utilize the ACH clearing and settlement facilities operated by Reserve

Banks locally in 31 regions for commercial payments. The procedures described in Treasury regulations for the delivery of government payments nationwide by Reserve Banks are not affected by today's announcement.

In a related matter, the Board is continuing to develop a regulatory framework for Federal Reserve Bank ACH clearing and settlement operations that will accomodate current ACH arrangements. The proposed Subpart C to Regulation J has been revised since its most recent publication for comment in January 1976 (30 FR 32952 and 41 FR 3097) when it was proposed along with Subpart B to that Regulation. Subpart B was adopted by the Board in September 1977 (42 FR 31763). The Board intends to republish the proposed Subpart C in revised form for public comment in the near future.

To aid the Board in its final consideration of these plans, interested persons are invited to submit comments, views or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1978. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Board of Governors of the Federal Reserve System, December 23, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-110 Filed 1-4-78; 8:45 am]

[6210-01]

WEDGE HOLDING CO.

Formation of Bank Holding Company

The Wedge Holding Co., Alton, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.9 percent of the voting shares of Alton Banking and Trust Co., Alton, Ill. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than January 25, 1978.

Board of Governors of the Federal Reserve System, December 28, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-92 Filed 1-4-78; 8:45 am]

[6820-23]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation H-19]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of authority

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to outlease oil and gas deposits underlying the properties listed in attachment A.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Background.* The Department of the Interior, by letters dated July 20, 1977, July 29, 1977, and November 16, 1977, advised that the properties listed in attachment A contain oil and gas deposits in significant quantities. The Secretary of the Interior recommends that, because of the short supply of such minerals, the deposits be outleased, to control development in a timely manner, and the Bureau of Land Management, Department of the Interior, would act as the Federal leasing agent. It is considered that the best interest of the Government would be served by GSA's delegating authority to the Department of the Interior to outlease the oil and gas deposits in these properties since the Department of the Interior has expertise and organizational support for leasing and controlling the development of these deposits.

4. *Delegation.* (a) Pursuant to the authority vested in me by sections 203 and 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484, 486(d)), authority is delegated to the Secretary of the Interior to outlease the oil and gas deposits in the properties shown in the attachment. Any proposed mineral exploration will require prior approval of the owner of the surface rights of each property. When the Department of the Interior has completed the disposal of all the oil and gas that is commercially salable, it shall notify GSA that the project has been completed.

(b) The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

(c) This authority shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes and regulations issued pursuant thereto. In this regard, the Department of the Interior, as the disposal agency, shall be responsible for: (1) Securing, in accordance with FPMR 101-47.303-4, any appraisals deemed necessary by the Secretary; (2) complying with the provisions of the National Environmental Policy Act of 1969; (3) complying with section 106 of the National Historic Preservation Act of 1966, if appropriate; and (4) ensuring that lands that are disturbed or damaged are restored after removal of the oil and gas is completed.

(d) A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (PK), Washington, D.C. 20405.

Dated: December 20, 1977.

JAY SOLOMON,
Administrator.

FPMR TEMP. REG. H-19—ATTACHMENT A

GSA Control No. and Name and Location

D-Calif.-966—U.S. Army Strategic Communications Command, Yolo County, Calif.
D-Calif.-1023—Davis Communication Annex, Yolo County, Calif.
D-Tex.-548Y—Fort Wolters, Mineral Wells, Tex.
D-Okla.-480-B—Clinton-Sherman Air Force Base, Burns Flat, Okla.
GR-La.-430Ql—Chennault Air Force Base, Lake Charles, La.
G-Tex.-925—Border Patrol Sector Headquarters, Laredo, Tex.

[FR Doc. 78-80 Filed 1-4-78; 8:45 am]

[4110-89]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before February 6, 1978, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

MARY GOLLADAY,
Acting Administrator, National Center for Education Statistics.

Dated: December 30, 1977.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity. The Vocational Education Equity Study. (A Study of the Extent of Sex Discrimination and Sex Stereotyping in Vocational Education Programs and Assessment of Methods to Reduce or Eliminate Such Inequities.)

2. Agency/bureau/office. U.S. Office of Education/Office of Planning, Budgeting and Evaluation.

3. Agency form No. OE-568.

4. Legislative authority for this activity. "The Commissioner of Education shall carry out a study of the extent to which sex discrimination and sex stereotyping exist in all vocational education programs assisted under the Vocational Education Act of 1963, and of the progress that has been made to reduce or eliminate such discrimination and stereotyping in such programs and in the occupations for which such programs prepare students. The Commissioner shall report the results of such study, together with any recommendations with respect thereto, to the Congress within two years after the date of the enactment of this Act." Pub. L. 94-482, Sec. 523(a): 20 U.S.C. 2563.

5. Voluntary/obligatory nature of response. Voluntary.

6. How information collected will be used. The Vocational Education Equity Study is primarily an information gathering effort to determine the extent of sex stereotyping and sex discrimination in vocational education programs and the extent of progress that has already been made in reducing or eliminating such inequities.

Data will be used for reports to meet the legislative mandate and to provide Congress, the U.S. Office of Education, State and local administrators and others with information to make policy decisions to reduce sex inequities in vocational education.

7. Data acquisition plan. (a) Method of collection: Personal interviews and questionnaires.

(b) Time of collection: February-May, 1978.

(c) Frequency: Single time only.

8. Respondents. (a) Type: State directors of vocational education.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Director of State advisory council for vocational education.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .33.

(a) Type: State sex fairness coordinator.

(b) Number: 51.

(c) Estimated average man-hours per respondent: 1 hour.

(a) Type: State program specialists.

(b) Number: 153.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State vacational guidance and counseling director.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State director of professional development.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: State director of research, management, and/or evaluation.

(b) Number: 51.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Local education agencies/director of vocational education.

(b) Number: Sample—100 (Based on an average of 1 at each school site).

(c) Estimated average man-hours per respondent: .5.

(a) Type: Program specialists-LEA.

(b) Number: Sample—200.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Director of vocational guidance and counseling-LEA.

(b) Number: Sample—100.

(c) Estimated average man-hours per respondent: .5.

(a) Type: Vocational education instructor (Instructors in vocational education programs at comprehensive high schools, area vocational-technical schools, and community colleges).

(b) Number: Sample-800.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Counselors (Counselors from comprehensive high schools, area vocational-technical schools, and community colleges and appropriate "feeder schools").

(b) Number: Sample-400.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Students.

(b) Number: Sample-3,500.

(c) Estimated average man-hours per respondent: .75.

(a) Type: Personnel from related organizations (Outside the formal vocational education structure such as the commission on the status of women).

(b) Number: Sample-102.

(c) Estimated average man-hours per respondent: .5.

9. Information to be collected. Data will be collected primarily by personal interviews. Topic areas are related directly to activities mandated in Pub. L. 94-482 and the rules and regulations. Sex and ethnicity items are included for all.

(a) *State director of vocational education interview.* Information collected relates to Pub. L. 94-482. It includes the employment status of the staff assigned to specific activities aimed at reducing sex stereotyping as specified in section 104(b)(1) of the Education Amendments, 1976 (Pub. L. 94-482); State provisions for planning and/or implementing sex fairness in relation to developing or sponsoring programs/activities that are designed to reduce sex stereotyping in all vocational education programs; dissemination information about programs and activities to reduce sex stereotyping in all vocational education programs; gathering, analyzing, and disseminating information on the status of women and men students and employees in vocational education programs; correcting any sex bias problems identified through such activities; assisting local education agencies and other interested parties in the state in improving vocational education opportunities for women; making information available pursuant to section 104(b)(1); perceived constraints to achieving sex equity in vocational education.

(b) *Executive director of the State advisory council* will be asked to provide information regarding numbers of women and minority members on advisory council; status, funding, and results of advisory council evaluations and other activities related to sex stereotyping in vocational education; status of State advisory council assistance to local advisory councils.

(c) *State sex fairness coordinator* will be asked information about professional experience, kinds, status and effects of programs and strategies related to reducing sex inequities in vocational education; status of title IX activities related to sex fairness activities; financial expenditures for and priorities of activities related to section 104(b)(1) of Pub. L. 94-482; factors inhibiting sex fairness vocational education and similar items.

(d) *State program specialists'* interviews will include items relating to professional experience of respondents; kinds, status and effects of programs and strategies related to reducing sex inequities in vocational education; comparison of past and present vocational education practices related to sex bias; status of activities to identify and overcome sex inequities; status of monitoring activities related to sex inequities; status of title IX activities related to vocational education; status of sex fairness activities related to section 104(b)(1) of the Act; perceived constraints to achieving sex equity in vocational education.

(e) *State vocational guidance and counseling director* will be queried about similar items as (d) with items relating to guidance and counseling needs and activities.

(f) *State director of professional development* will be asked similar items as (d) with special emphasis on items relating to teacher training and needs and relationships with teacher training institutions.

(g) *State director of research, management and/or evaluation* will respond to similar items as (d) in regard to knowledge of kinds, status and effects of programs relating to reducing sex inequities; the status of data collection, dissemination or monitoring activities relating to sex inequities, and similar items.

(h) *Director of vocational education/LEA* will be asked professional experience of respondent; kinds, status and effects of efforts to reduce sex inequities in staffing patterns in vocational education; comparison of past and present vocational education practices related to sex bias; status of activities to identify and overcome sex inequities; status of data collection; dissemination or monitoring activities related to vocational educa-

tion; awareness of sex fairness activities; attrition of traditional and nontraditional students; steps taken to meet the needs of minority group students and women re-entering the labor market and perceived constraints to achieving sex equity in vocational education.

(i) *Program specialists/LEA* will be asked general perceptions relating to activities regarding sex inequities and specific information about activities and strategies and similar items as (h) which relate to their program specialty.

(j) *Director of guidance and counseling/LEA* will include items similar to those of (h) which relate to knowledge of activities relating to sex fairness and specific items regarding guidance and counseling practices.

(k) *Vocational education instructor interview.* Information collected will include the professional, and occupational experience of respondent; attrition to traditional and nontraditional students; perceived competencies of male and female students in vocational education; kinds, status, and effects of efforts to reduce inequities in vocational education staffing patterns; comparison of past and present vocational education practices in regard to sex bias; status of activities to identify and overcome sex inequities; status of Title IX activities related to vocational education; functions of work study and cooperative education and how placements are determined.

(l) *Counselor Interview.* The director of guidance and counseling at the LEA level and a sample of school counselors will be asked similar questions as described in the instructor interview, with additional questions related to counseling activities and how the processes work which recruit and refer students into occupational programs, and how the decisions are made when more students apply for certain occupations than can be enrolled.

(m) *Organizations interview.* Information collected from organizations such as the State commission on the status of women, and organizations which commented on the rules and regulations relating to the 1976 amendments will include: knowledge of vocational education programs/activities to place staff or students in nontraditional roles or positions; reviews of vocational education programs related to sex inequities; perceived response to title IX as it applies to vocational education; evidence of existing sex inequities in vocational education; evidence of successful students in nontraditional programs; evidence of employer willingness to hire nontraditional students; satisfaction with vocational education programs; perceptions of constraints in achieving sex equity in vocational education; awareness of exemplary programs effective in reducing sex inequities in vocational education or in the labor force and similar items.

(n) *Vocational education student interview and questionnaire.* Information collected will include educational background of student and parents, occupational program characteristics; attendance in school sponsored programs-activities related to sex equity; participation in work study or cooperative education programs; career plans and aspirations; expectation of earnings, method of acquaintance with vocational education programs; sources of encouragement-discouragement regarding enrollment in nontraditional programs; nature of influence on decision making; attitudes about sex inequities in the labor force and in vocational education; attitudes about roles and responsibilities of women and men in the labor force; satisfaction with vocational education programs. The last three types of items are included in a questionnaire at the end of the student interview. This reduces the length of the interviews and allows the students to examine the optional responses.

(o) *Staff attitude questionnaire.* The staff attitude questionnaire will be administered at the conclusion of State Education Agency interviews, Local Education Agency interviews, Vocational Education Instructor and Counselor interviews. Information collected will include: attitudes about traditional and nontraditional students and their ultimate success; opinions on the importance of women preparing to work; perceptions about sex discrimination in the labor force; opinions as to the suitability of women and men for various positions in the labor force; and accessibility to all occupations; opinions about appropriate administrative action in response to inequities; opinions regarding the capability of vocational educators and counselors to influence student career choices and attitudes and similar items.

(p) *Data collection sheets for contractor to complete at sample schools.* Information collected will include the number of students enrolled in the various occupational areas; the sex and race/ethnicity of these students; the numbers of instuctors in the various occupational areas; the sex and race/ethnicity of the instructors; the number of counselors; and their sex and race/ethnicity.

These data will be collected from schools where such data are accessible. A member of the contractor's staff will transfer data from school records to the data collection sheet.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity. The Status and Impact of Bilingual Vocational Training: Program Impact Evaluation.

2. Agency/bureau/office. U.S. Office of Education—Office of Planning, Budgeting and Evaluation.

3. Agency form No. OE 586-1-2-3-4.

4. Legislative authority for this acticity. "The Commissioner and the Secretary of Labor together shall ... evaluate the impact of * * * bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to acquire sufficient job skills and English language skills to contribute fully to the economy of the United States * * *" (Pub. L. 94-482, Sec. 182(a)(2): 20 U.S.C. 2412).

5. Voluntary/obligatory nature of response. Voluntary.

6. How information will be used. The information to be collected will be used to meet the Congressionally mandated evaluation requirements, and the results will be included in annual reports to Congress on the status of bilingual vocational training. Information from the evaluation also will be used by program administrators at the national, state and local levels to aid in program policy and operation

7. Data acquisition plan.

(a) Method of collection: Personal interviews.

(b) Time of collection: Spring 1978 and Winter 1978-79.

(c) Frequency: Twice.

8. Respondents.

(a) Type: Other—bilingual vocational training program directors.

(b) Number: 54—universe.

(c) Estimated average man-hours per respondent: .50.

(a) Type: Other—bilingual vocational training program occupational skills instructors.

(b) Number: 106—universe.

(c) Estimated average man-hours per respondent: .50.

(a) Type: Other—English-as-a-second language instructors.

(b) Number: 90—universe.

(c) Estimated average man-hours per respondent: .40.

(a) Type: Other—trainees in bilingual vocational training programs.

(b) Number: 1050—sample.

(c) Estimated average man-hours per respondent: .75—first wave and .60—second wave.

9. Information to be collected. The types of information to be collected from each of the respondent categories are as follows:

Program Directors will provide information regarding overall operations, including types of skills training and English language instruction available to limited English-speaking adults; types of non-instructional services, including stipends, provided to trainees; types of instructional materials used; coordination of instructional activities between instructors of occupational skills and English language classes; and media of instruction, including use of English and non-English languages.

Occupational skills instructors will provide detailed data regarding instructional content and methods. Information will be obtained specifically on bilingual aspects of the instruction, problems in instructing the limited English-speaking, etc. Other services provided by the skills instructors; such as job placement, also will be identified. For purposes of evaluating the progress of the trainee sample, skills instructors also will supply ratings of the job readiness and the job-specific English language proficiency of the trainees.

English-as-a-Second Language instructors will provide information on methods of teaching English to limited English-speaking adults, materials used, and coordination of English language instruction with the occupational skills training.

The trainees will be asked questions regarding their demographic characteristics, including age, sex, marital status, and language/ethnic group. Detailed information will be obtained from trainees on their language background and usage and on their proficiency in speaking and understanding spoken English. During the first wave of interviews, trainees will supply information regarding their pre-training education and work history. The second wave of interviews will focus on changes in the trainees' labor force status and in English proficiency.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA AQUISITION ACTIVITY

1. Title of proposed activity. Public School Finance Programs, 1978-79.

2. Agency/bureau/office. U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. Agency form No. OE form 608.

4. Legislative authority for the activity. "Section 431(a). The commissioner shall carry out a program * * *(3) for strengthening the leadership resources of State and

local educational agencies, and for assisting those agencies on the establishment and improvement of programs to identify and meet educational needs of States and of local school districts. * * *" (20 U.S.C. 1831) Pub. L. 93-380.

Section 422(a). The Commissioner shall—(1) prepare and disseminate to State * * * agencies information covering applicable programs * * * (20 U.S.C. 1231a) Pub. L. 91-230.

5. Voluntary/obligatory nature of response. Voluntary.

6. How information collected will be used. School finance information will be compiled for all the States, published in a compendium and distributed to all State Educational Agencies. This publication is the only source available which provides descriptions of existing State school aid programs in each State. It also provides information on the local financing of public schools. The compendium enables SEAs to compare alternative methods of school funding currently in effect in the various States. Information on these alternative funding methods is particularly important to States which are contemplating changes in their school aid systems. This compilation is undertaken by USOE as a form of technical assistance designed to strengthen the leadership resources of State educational agencies.

7. Data acquisition plan. (a) Method of collection: Mail.

(b) Time of collection: Spring.

(c) Frequency: Once every three years.

8. Respondent. (a) Type: State educational agencies.

(b) Number: 50.

(c) Estimated average man-hours per respondent: 5.

9. Information to be collected. A. State Financial Support to Local School Districts:

1. State revenues for education: Principal sources of State revenues, share of State/local revenues provided by State, earmarked revenues for public schools, rebates to school districts, if any.

2. Basic equalization program—essential features.

3. Programs fully supported by State.

4. State laws pertaining to any programs of property tax relief.

5. Major court cases affecting a State's school finance system.

7. State Assessment Equalization Practices.

B. Local School Finance: 1. Sources of local revenues.

2. Availability of county revenues.

3. Local taxes required by State law for public school support.

4. Procedures for raising local taxes in fiscally independent school.

5. Tax rate—levy limits.

C. Calculation of district entitlement of aid for each State—aided program.

D. Survey of State supervision of requirements of local assessment practices.

[FR Doc. 78-97 Filed 1-4-78; 8:45 am]

[4110-08]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on January 13 and 14, 1978, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including the performance of Institutional Review Boards, the basic ethical principles that should underlie the conduct of research on human subjects, and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016.

Dated: December 21, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 78-224 Filed 1-4-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREA MANAGERS, ELKO DISTRICT, NEVADA

Delegation of Authority in General

Under authority of Bureau Order 701, dated July 23, 1964, and as amended, and subject to the limitations in Part III of that order, the area managers administering the Elko and Wells resource areas of the Elko District, Nevada, are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Elko District manager:

DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

* * * * *

SEC. 3.3 Fiscal affairs. * * *

(d) *Trespass.* Determine liability and issue notice of trespass; recommend as to acceptance of settlement.

* * * * *

SEC. 3.6 Minerals. * * *

(m) Oil and gas exploration operations.

(n) Geothermal resource exploration operations.

* * * * *

SEC. 3.7 Range management. * * *

(a) *Grazing district administration.*

(1) Process applications for the issuance of licenses and permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) Expenditures of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase, or maintenance of range improvements.

* * * * *

(d) Soil and moisture conservation including control of Halogeton glomeratus.

(e) Controlled brush burning in accordance with plans and specifications approved by the State director.

(f) Protection of wild free-roaming horses and burros.

* * * * *

SEC. 3.8 Forest management. * * *

(a) Disposition of forest products including sales of timber not exceeding $1,000 in value.

* * * * *

SEC. 3.9 Land use. * * *

(g) Disposition of materials other than forest products, not exceeding $2,000 in value.

(z) *Recreation.* All actions relating to recreation mangement and protection pursuant to 43 CFR 6000 through 6290.

* * * * *

SEC. 3.10 *Designation of acting officials.* * * * (a) Area managers may, by written order, designate qualified employees of the resource area to perform the function of the area manager in his absence.

(b) Each employee who serves in an acting capacity shall document that service on Form 1203-01.

The district manager may at any time temporarily reserve, restrict, or

withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective January 15, 1978, and revokes previous delegation published November 28, 1977 (42 FR 60617).

ROGER J. MCCORMACK,
Associate State Director, Nevada.

[FR Doc. 78-118 Filed 1-4-78; 8:45 am]

[4310-84]

[C-0126472]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 22, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 0126472 on November 12, 1965, for withdrawal of the following described lands:

RIO GRANDE NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Salthouse Campground

T. 44 N., R. 2 E.,
Sec. 12, SW¼SW¼ and SW¼SE¼SW¼;
Sec. 13, NW¼NE¼NW¼ and NE¼NW¼NW¼.

Love Lake Campground

T. 39 N., R. 1 W.,
Sec. 6, beginning at corner No. 1, a point 2,000 feet south of the N¼ corner of sec. 6, by metes and bounds, east, 750 feet to corner No. 2; south, 2,640 feet to corner No. 3; west, 2,640 feet to corner No. 4; north, 2,640 feet to corner No. 5; east, 1,890 feet to corner No. 1, the place of beginning.

North Clear Creek Falls Observation Site

T. 42 N., R. 3 W.,
Sec. 36, SE¼SW¼.

The areas described aggregate 270 acres in Hinsdale, Mineral, and Sugache Counties.

A notice of proposed withdrawal was published in the FEDERAL REGISTER on November 25, 1965, on page 14691.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 8, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 8, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-114 Filed 1-4-78; 8:45 am]

[4310-84]

[C-16210]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 21, 1977.

The U.S. Forest Service Filed application, Serial No. Colorado 16210, on April 7, 1972, for withdrawal of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Agua Ramon Electronic Site

T. 40 N., R. 3 E.,
Sec. 12, SW¼SE¼NE¼.

Grayback Mountain Electronic Site

T. 37 N., R. 4 E.,
Sec. 9, SW¼SE¼;
Sec. 16, N½NW¼NE¼ and NW¼NE¼NE¼.

Ivy Creek Campground

T. 40 N., R. 1 W.,
Sec. 32, N½NE¼.

Ute Creek Trailhead

T. 40 N., R. 4 W.,
Sec. 5, Lot 4;
Sec. 6, Lot 1.
T. 41 N., R. 4 W.,
Sec. 31, Lot 15;
Sec. 32, SW¼SW¼SW¼.

SAN JUAN NATIONAL FOREST

U.S. Highway 550 Travel Influence Zone

A strip of land 200 feet wide on each side of the U.S. Highway 550 centerline through the following described lands:

T. 41 N., R. 8 W., Protraction 24B, dated May 5, 1965,
Sec. 2 W½W½;
Sec. 3, E½E½;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼ and S½ except lands being withdrawn for Mineral Creek Campground Site;
Sec. 12, SW¼ and SW¼SE¼;
Sec. 13, NE¼ and NE¼NW¼.
T. 42 N., R. 8 W., Protraction 24B, dated May 5, 1965,
Sec. 14, the portion of SW¼NE¼ from Red Mountain Pass to the south line, E½SW¼, W½SE¼;
Sec. 22, SE¼SW¼ and SE¼;
Sec. 23, NW¼ and W½SW¼;
Sec. 27, NW¼NE¼ and E½NW¼.

Also a strip of land 200 feet in width east of the centerline and 400 feet in width on the west side of the centerline of U.S. Highway 550 through the following described lands:

T. 42 N., R 8 W.,
Sec. 26, W½W½;
Sec. 27, E½E½;
Sec. 34, E½E½;
Sec. 35, W½W½, excluding all or portions of mineral patents lying within these strips including M.S. 558B, 559B, 560B, 570B, 1496, 1523, 2486, 6792, 6794, 16099 A and B, 16677 A and B, 18179, 19335, and 20363, with an estimated acreage of 30 acres, and subject to other unperfected mining claims as may exist.

GRAND MESA-UNCOMPAHGRE NATIONAL FOREST

Antone Springs Campground

T. 47 N., R. 12 W.,
Sec. 15, E½E½SW¼SW¼ and W½SE¼SW¼.

Benchmark Lookout

T. 41 N., R. 15 W.,
Sec. 31, East 10 chains of lot 4, and W½SE¼SW¼.

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

McClure Campground

T. 11 S., R. 89 W.,
Sec. 2, S½NW¼SW¼ and SW¼SW¼;
Sec. 3, SE¼SE¼, less 10 acres, more or less, of State Highway 133 roadside zone previously withdrawn under P.L.O. 4579.

The areas described aggregate approximately 852.00 acres.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 21, 1972, on page 12245, FR Doc. 72-9347.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a

public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

MERRILL G. ANDERSON,
Leader, Montrose Team, Branch of Adjudication.

[FR Doc. 78-115 Filed 1-4-78; 8:45 am]

[4310-84]

[C-15959]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 22, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 15959, on March 23, 1972, for withdrawal of the following described lands:

PIKE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Springdale Campground

T. 12 S., R. 68 W.,
Sec. 20, NE¼NW¼, and E½NW¼NW¼;

Clyde Campground

T. 15 S., R. 68 W.,
Sec. 20, W½SW¼NE¼, E½SE¼NW¼, E½NE¼NE¼SW¼, and NW¼NW¼SE¼;

Crags Campground

T. 13 S., R. 69 W.,
Sec. 32, E½SE¼SE¼;
Sec. 33, SW¼SW¼;

Wildhorn Campground

T. 11 S., R. 70 W.,
Sec. 29, S½SW¼SW¼;
Sec. 32, NW¼NW¼.

The areas described aggregate 235 acres.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on May 11, 1972, at page 9500.

The applicant desires that the lands be reserved for use as campgrounds.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 8, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 8, 1978.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-116 Filed 1-4-78; 8:45 am]

[4310-84]

[C-14442]

COLORADO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

DECEMBER 21, 1977.

The U.S. Forest Service filed application, Serial No. Colorado 14442, on November 19, 1971, for withdrawal of the following described lands:

SAN JUAN NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Treasure Falls Rest Stop Addition

T. 37 N., R. 1. E.
Sec. 16, W½NE¼SE¼.

U.S. Highway 160 Roadside Zone

A strip of land two hundred (200) feet on each side of the centerline of U.S. Highway 160 through the following legal subdivisions:

T. 37 N., R. 1. E.
Sec. 1, Lot 1;
Sec. 2, Lot 4;
Sec. 3, N½;
Sec. 4, SE¼NE¼, W½NE¼SE¼, and S½SE¼;
Sec. 9, All;
Sec. 16, W½NE¼, NE¼NW¼, SE¼SW¼, and SW¼SE¼;

Sec. 21, NE¼NW¼;
T. 38 N., R. 1. E.
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½;
T. 37 N., R. 2. E.
Sec. 6, Lot 4.

Henderson Lake Campground

T. 37 N., R. 8. W., Protraction Diagram No. 27, dated November 12, 1964. That part of Section 2 described as follows:
Beginning at the SW corner of section 35, T. 38 N., R. 8. W., thence due south 15 chains, thence easterly 40 chains on a line parallel with the north section line of Section 2, thence due north 15 chains to a point on the north boundary of Section 2, thence westerly 40 chains along the north boundary of Section 2 to the point of beginning.
T. 38 N., R. 8. W.
Sec. 35, S½S½SW¼, E½SE¼, SW¼SW¼SE¼, and E½W½SE¼.

Molas Pass Observation Site

T. 40 N., R. 8. W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 13 described as follows:
Beginning at a point which bears N. 74° E. 1056 feet from the junction of U.S. 550 and Forest Road 2590, thence due East 792 feet, thence due North 1056 feet, thence due West 792 feet, thence due South 1056 feet to the point of beginning.

East Lime Rest Site

T. 40 N., R. 8. W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 14 described as follows:
Beginning at a point in section 14, which point is due west 68 chains from the junction of U.S. Highway 550 and Forest Road 2590 (Andrews Lake Road), thence due south 12 chains, thence due west 20 chains, thence due north 12 chains, thence due east 20 chains to the point of beginning.

Deer Creek Observation Site

T. 40 N., R. 8. W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 21, described as follows:
Beginning at a point in the SE¼, from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 66° E. 31 chains, thence due W. 10 chains, thence due S. 15 chains, thence due E. 10 chains, thence due N. 15 chains to the point of beginning.

Coal Bank Pass Observation Site

T. 40 N., R. 8. W., Protraction Diagram No. 27, dated November 12, 1964. A parcel of land in Section 32 described as:
Beginning at a point on the north boundary of section 32 from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 42° E. 163.5 chains, thence due W. 16 chains, thence due S. 16 chains, thence due E. 16 chains, thence due N. 16 chains to the point of beginning.

Mineral Creek Campground Site

T. 41 N., R. 8 W., Protraction Diagram No. 24, and 24B, dated May 5, 1965.
A parcel of land in Sections 11 and 14 beginning at a point in the NE¼ of Section 14 from which the junction of U.S. Highway and Forest Road 585 bears S. 70° E. 60 chains.
Thence due North 16 chains, Thence due West 20 chains, Thence due North 12 chains, Thence due West 20 chains, Thence due South 24 chains, Thence due East 20 chains, Thence due South 4 chains, Thence due East 20 chains, to the point of beginning.

Chris Park Organization Campground

T. 38 N., R. 9 W.
Sec. 36, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

Purgatory Ski Area

T. 39 N., R. 9 W.
Sec. 22, NE¼, S½NW¼, and S½;
Sec. 23, S½S½NE¼, NW¼SW¼, S½S½, E½NW¼SE¼, and NE¼SE¼;
Sec. 25, N½NW¼NW¼, and SW¼NW¼NW¼;
Sec. 26, N½, N½SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 27, NE¼, NE¼NW¼, and N½SE¼.

Stoner Ski Area

T. 38 N., R. 13 W.
Sec. 6, NE¼SE¼, and N½SE¼SE¼.

The areas described aggregate approximately 2746.80 acres.

A notice of proposed withdrawal was published in the FEDERAL REGISTER on January 18, 1972, on pages 745, 746, FR Doc. 72-692.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colo., on or before February 7, 1978.

Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 7, 1978.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

MERRILL G. ANDERSON,
Leader, Montrose Team,
Branch of Adjudication.

[FR Doc. 78-117 Filed 1-4-78; 8:45 am]

[4310-10]

Office of Hearings and Appeals

[Docket No. M 78-22]

D. C. COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), D.C. Coal Co., Inc., c/o George H. Buxton, P.O. Box 3447, Oak Ridge, Tenn. 37830, has filed a petition to modify the application of 30 CFR 77.1605, berms and guardrails, to its Mine 001, located in Anderson County, Tenn.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that the Secretary modify the application of an order of the Bureau of Mines that berms and guardrails be provided on the elevated roadways leading from its designated mine openings to the county road commonly known as "Windrock Road."

2. The grounds upon which the Petitioner seeks relief are as follows:

(a) The roadway in question is gravel surface, 18 to 20 feet wide, with numerous passing zones. The roadway has a total length of 1⅒ (1.1) miles from petitioner's mining operation to the said county road.

(b) Where steep portions of roadway are sloped, they are sloped toward the bank and away from the lower side of the roadway. Some locations have had berms constructed; however, no guardrails have been installed.

(c) Installation of guardrails and berms, except where needed, would take away portions of the useable driving surface and would thereby render the roadways more dangerous than if berms and guardrails were installed.

(d) Installation of berms on the side of the level portions of said roadway would be particularly harmful to the

roadway in that it would interfere with drainage. With reference to water, as well as snow and ice, such construction would present more of a danger to persons using the roadway than now exist.

(e) Where steep portions do not have berms, their installation would occupy such a large portion of the existing useable roadway as to greatly diminish the road's usefulness for hauling. Widening the roadway would entail blasting the existing stable rock highwall. Guardrails would have to be installed on the fill material and it would be very difficult to make them substantial to a reasonable degree of safety.

(f) Petitioner will maintain traffic control signs along the entire length of the roadway.

(g) Petitioner has an excellent safety record in its hauling and traveling over said roadway which record results from proper maintenance, supervised traffic systems, and the condition of vehicles using the roadway.

(h) Petitioner will ultimately phase out this operation and consequently the use of this roadway.

(i) This is a relatively small operation and the installation of berms and guardrails in this particular situation would involve great expense and for the reasons stated in the foregoing paragraphs would not provide additional safety for the operation.

3. The petitioner believes that the precautions already taken and the maintenance and traffic systems presently being used will afford a higher degree of protection for truck drivers and other traffic using said roadway than will be afforded by the installation of berms and guardrails as required by the Bureau of Mines.

REQUEST FOR HEARING AND COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,
Director, Office of Hearings and Appeals

DECEMBER 28, 1977.

[FR Doc. 78-119 Filed 1-4-78; 8:45 am]

[4310-10]

[Docket No. M 77-260]

IMPERIAL COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Imperial Coals, Inc., P.O. Box 42B, Oneida, Tenn. 37841, has filed a petition to modify the application of 30 CFR 77.1605, loading and haulage equipment installations, to its Imperial Coals, Inc. No. 1 Surface Mine, Sun Ray Coal Co., Inc. No. 1 Surface Mine, Industrial Fuels, Inc. No. 1 Surface, and Scarlett Coals, Inc. No. 1 Surface Mine, located in Campbell County, Tenn.

The substance of Petitioner's statement is as follows:

1. Berms, and to a certain extent, guardrails, would create a drainage hazard. Proper drainage would be extremely difficult to maintain and wash-outs and hazardous conditions would result in wet weather conditions.

2. Berms and guardrails would hamper snow removal and would result in the road icing over during winter months.

The road grader now used for road maintenance could no longer be used.

4. Additional man-hours and equipment would be needed for road maintenance, particularly during the winter months. This, in itself, would increase the accident potential during the winter months.

5. The width is not available to build berms. Solid rock would have to be blasted and the resulting highwall along the road would be another hazard.

6. Petitioner has planned to use an existing road for haulage. This road has been maintained for several years by the various coal companies that have used it. It is well bedded with "red dog" and limestone gravel.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,
Director, Office of Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-120 Filed 1-4-78; 8:45 am]

[4310-10]

[Docket No. M 78-23]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Co., 2355 Harrodsburg Road, P.O. Box 11430, Lexington, Ky. 40511, has filed a petition to modify the application of 30 CFR 75.1710-1, cabs or canopies, to its Guyan No. 1 Mine, located in Pike County, Ky.

The substance of Petitioner's statement is as follows:

1. The height of the coalbed in Petitioner's mines varies from 62 inches at the highest point to 56 inches at the lowest point.

2. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mines: a Joy continuous miner, Torkar shuttle cars, and a 320 Galis roof bolter.

3. Because of the variation of the physical characteristics of each of these types of equipment (i.e., heights, width, location of operator compartment and positioning of controls) each may require a different style of canopy.

4. Petitioner has developed on its own, or there are available from equipment manufacturers, canopies, for each type of the above-listed equipment, which meet the structural capacity requirements of 30 CFR 75.1710-1(d). However, to meet these requirements it is necessary that these canopies be constructed of heavy gauge steel. The result is a canopy which is both bulky and extremely heavy. Because of the bulk and weight of these canopies, structural modifications to each piece of face equipment are necessary before these canopies can be installed on face equipment.

5. Petitioner states that in some, but not all, instances the installation of available certified canopies on the face equipment at Petitioner's mines creates, among others, the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy top to the operator's compartment.

(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment.

(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

6. Petitioner states that it is at present unable to construct itself, or to procure from equipment manufacturers, canopies which, if installed on face equipment at Petitioner's mine will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states that there are no new types or designs of face equipment immediately available from

equipment manufacturers which eliminate the safety hazards herein stated.

7. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR 75.1710-1(a) to the electric face equipment at Petitioner's mine will result in a diminution of safety to the miners at its mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington; Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,
Director,
Office of Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-121 Filed 1-4-78; 8:45 am]

[4310-10]

[Docket No. M 78-25]

SEWELL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sewell Coal Co., c/o Paul Given, Nettie, W. Va. 26681, has filed a petition to modify the application of 30 CFR 75.1105, housing of underground transformer stations, etc., to its Sewell No. 4 Mine, located in Nicholas County, W. Va.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine has a locomotive station located near the No. 1 Shaft and the 5 West Entries adjacent to the supply track. No persons are stationed in this area, and only a very small amount of burning or welding is performed. An average of less than one man shift per week is devoted to work of any type at this location.

2. This is ventilated directly by intake air. Only a very small portion of the air passing through the entries where the locomotive station is located would reach any working areas.

3. Petitioner proposed to ventilate said locomotive station in the manner aforesaid rather than causing the air ventilating this area to be directly coursed into the return airway. In addition to this ventilating plan, Petitioner will provide extra firefighting materials (water and dry chemicals) in this area.

4. Additionally, the following safeguards will be employed:

a. The area will be made fire-proof as required by section 75.1105 of the Federal Coal Mine Health and Safety Act of 1969.

b. The area will be examined by a qualified person immediately following each welding or burning operation.

c. Within 2 hours, and no sooner than 30 minutes, following welding or burning operation, the area will be fire-bossed by a West Virginia state certified fire boss for evidence of hot or smoldering materials.

5. Petitioner states that the proposed method of ventilating said locomotive station together with the additional fire protection installed thereon would at all times guarantee no less than the same measure of protection afforded mine personnel in the affected mine than would be provided by application of the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by February 6, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID B. GRAHAM,
Director,
Office of Hearings and Appeals.

DECEMBER 28, 1977.

[FR Doc. 78-122 Filed 1-4-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[TA-201-31]

UNALLOYED UNWROUGHT ZINC

Investigation and Hearing

Investigation instituted. Following receipt of a petition on December 20, 1977, filed by the Lead-Zinc Producers Committee, Washington, D.C., the U.S. International Trade Commission on December 29, 1977, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether unwrought zinc, other than alloys of zinc, provided for in item 626.02 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.s.t. on March 21, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Monday, March 13, 1978.

There will be a prehearing conference in connection with this investigation which will be held in Washington, D.C., at 10 a.m., e.s.t. on Monday, March 13, 1978, in Room 117, U.S. International Trade Commission Building, 701 E Street, NW.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: December 30, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-158 Filed 1-4-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Bureau of Prisons

ADVISORY CORRECTIONS COUNCIL

Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Thursday and Friday, January 19-20, 1978, in San Francisco, Calif. The Council will tour the California State Prison at San Quentin and the Federal Correctional Institution at Pleasanton, Calif. on January 19. On January 20, the Council will meet at 9 a.m. in the Chambers of Senior Judge Albert C. Wollenberg, U.S. District Court of Northern California, 19th Floor, 450 Golden Gate Avenue, San Francisco.

This meeting has two major purposes: (1) to discuss the role of the Federal Government in corrections; and (2) to discuss uniform standards for prisons and jails throughout the country.

Signed at Washington, D.C., this 30th day of December, 1977.

NORMAN A. CARLSON,
Director, Bureau of Prisons.

[FR Doc. 78-125 Filed 1-4-78; 8:45 am]

[1410-03]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

MEETING

The National Commission on New Technological Uses of Copyrighted Works (CONTU) will hold its nineteenth meeting on Thursday, January 12, and Friday, January 13, 1978, in Los Angeles, Calif. The Commission will meet in the Law School Building, University of California at Los Angeles, which is located at Hilgard Avenue and Dixon Court. Thursday's session will begin at 10 a.m. and Friday's at 9:30 a.m. The meeting will be open to the public.

All members of the public are invited to submit written comments relating to any matters under the Commission's consideration. Such comments should be addressed to Dolores K. Dougherty, Administrative Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc. 78-123 Filed 1-4-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARTISTS-IN-SCHOOLS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Artists-in-Schools Advisory Panel to the National Council on the Arts will be held January 18-20, 1978, in the Columbia Plaza Office Building, Room 1422, 2401 E Street, Northwest, Washington, D.C. On January 18, 1978, the meeting will convene at 10 a.m. and will adjourn at 5:30 p.m. On January 19, the meeting will begin at 9:30 a.m. and adjourn at 5:30 p.m.; on January 20, the meeting begins at 9:30 a.m. and adjourns at 1 p.m.

A portion of this meeting will be open to the public on January 18, from 10 a.m.-5:30 p.m.; on January 19, from 1 p.m.-5:30 p.m.; and on January 20, from 9:30 a.m.-1 p.m. The agenda for these discussions will be on policy and guidelines.

The remaining sessions of this meeting on January 19, 1978, from 9:30 a.m.-1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

DECEMBER 22, 1977.

[FR Doc. 78-124 Filed 1-4-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

DIRECTORATE FOR SCIENTIFIC, TECHNOLOGICAL, AND INTERNATIONAL AFFAIRS

Science Resources Analyses Program

ACTION: Program of science resources; manpower, funding, and output analyses.

SUMMARY: The National Science Foundation has combined its analyses awards, scientific and technological manpower forecasting activities, and science indicators effort into the new program of science resources analyses. The awards will be for in-depth analysis and integration of data of the Division of Science Resources Studies on scientific and technical personnel activities, and for related studies; for scientific and technological manpower forecasting efforts; and for development of new measures of outputs of scientific and technological activity, especially of indicators of technological innovation. The average award is expected to be in the $25,000-$50,000 range.

The deadline for fiscal year 1978 proposals is March 15, 1978. Doctoral candidates may be principal investigators in proposals received from universities and colleges. For further information contact the following personnel in the Division of Science Resources Studies:

National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Funding: Mr. Norman Friedman, telephone 202-634-4625.
Manpower: Mr. Joseph Gannon, telephone 202-634-4656.
Science indicators: Dr. Donald Buzzelli, telephone 202-634-4682.

Address proposals to:

Central Processing Section, National Science Foundation, Washington, D.C. 20550.

M. REBECCA WINKLER,
Acting Committee, Management Officer.

DECEMBER 27, 1977.

[FR Doc. 78-94 Filed 1-4-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to facility operating license No. DPR-64 issued to the Power Authority of the State of New York (PASNY) and Consolidated Edison Co. of New York, Inc. (Con Edison), for operation of the Indian Point nuclear generating unit No. 3 (the facility) located in Westchester County, N.Y.

In accordance with PASNY's application for a license amendment dated September 1, 1977, the amendment would modify the technical specifications by providing additional conditions for the storage of the spent fuel. The amendment would also permit modification of the spent fuel element storage pool in order to provide for additional storage capacity. PASNY's September 1 proposal replaces in its entirety PASNY's and Con Edison's proposal dated June 28, 1976, on which the Commission issued a "Notice of Proposed Issuance of Amendment to Facility Operating License" on August 25, 1976 (41 FR 37172, September 2, 1976).

Under the present terms of the license, Con Edison is the facility's operator. There is, however, pending before the Commission an application, dated March 16, 1977, to transfer sole responsibility for the operation of the facility to PASNY. As part of that application, PASNY will have to demonstrate to the satisfaction of the Commission that it is technically qualified to operate the facility. Among other things, PASNY will be required to establish onsite and offsite nuclear safety review committees. The Commission will not act upon the application regarding the spent fuel pool unless and until: (1) The Commission has approved transfer of operating responsibility for the facility to PASNY, and (2) PASNY has, thereafter, submitted documentation of the approval of the amendment application by its

onsite and offsite nuclear safety review committees. Any preliminary consideration by the Commission of the proposed spent fuel pool storage amendment will be entirely without prejudice to the Commission's consideration of the transfer amendment.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The license amendment will not be approved until the Commission has reviewed the safety aspects and has concluded that approval of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

By February 6, 1978, PASNY may file a request for a hearing and any person whose interest may be affected by the amendment may file a request for a hearing in the form of a petition for leave to intervene with respect to issuance of the amendment to the facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lex K. Larson, Esq., 1757 N Street NW., Washington, D.C. 20036, attorney for PASNY.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see PASNY's application for amendment dated September 1, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-13 Filed 1-4-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-1]

ACCIDENT REPORT; SAFETY RECOMMENDATION RESPONSES

Availability and Receipt

Aircraft Accident Report: Knob Hill, Inc., Cessna-421, Nogales, Ariz., January 22, 1977 (Report No. NTSB-AAR-77-11).—The National Transportation Safety Board announces that printed copies of its investigation report on this accident are now available. Single copies may be obtained by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

This report and related safety recommendation No. A-77-69 resulted from Board investigation of the crash of the Cessna in mountainous terrain following issuance of an improper departure clearance, climb restriction, and altitude clearance. The recommendation asked the Federal Aviation Administration to revise the Airman's Information Manual and other official guidance materials to clarify pilots' and controllers' responsibilities in implementing an instrument flight rules departure from an airport which has published departure procedures. (See 42 FR 59437, November 17, 1977, for summary.)

Response from the California Department of Transportation (Caltrans) to Recommendation H-77-16.—Letter of November 28 relates to the May 21, 1976, accident involving a charter bus which vaulted over the Marina Vista off-ramp of Interstate 680 near Martinez, Calif. The recommendation asked Caltrans to erect at the approach to the Marina Vista off-ramp an exit sign that incorporates a diagram of the curvature of the ramp to illustrate its severity and relocate or supplement the advisory exit speed sign to improve its warning to approaching drivers. (See 42 FR 55957, October 20, 1977.)

Caltrans states that as a result of its review of the design and traffic engineering features and the operational history of the Marina Vista off-ramp, the erection or relocation of a warning sign as recommended is not appropriate. Caltrans notes that all California highway projects are designed in accord with California design guidelines, which are based on operational experience and which have been acceptable to the Federal Highway Administration.

Caltrans notes that its standard design practice is to construct loop ramps with radii of 150-200 feet. Each facility is designed on an individual basis, compatible with the main line facility, traffic conditions, terrain, and other physical controls. This general guideline is applied to all Federal interstate highways in California, based on the consideration that the very slight increase in "comfortable" speed permitted by a larger radius does not offset the substantial increase in travel time and distance, right-of-way requirements, and construction costs. Caltrans notes for example that the southbound Marina Vista off-ramp has a 175-foot radius with a comfortable speed of ±28 mph. An increased radius to 230 feet would result in only a ±4-miles-per-hour increase in comfortable speed. The slightly lower comfortable speed on the 175-foot radius ramp is offset by appropriate advisory speed signing.

Appropriate advisory speed signs are posted on all loop ramps, according to Caltrans, and such facilities are kept under surveillance for the development of any operational difficulties. Where there is a demonstrated need for supplemental signing, a special advisory sign of the type described in safety recommendation H-77-16 may be installed. However, Caltrans states, the policy is to limit the use of special signs to those facilities only where the operational history does in fact demonstrate a need. Caltrans states, "It has been California's experience that overuse of signs results in a loss of credibility among motorists. We have reviewed our signing policy and its actual field application with representatives of the FHWA, who have concurred with and confirmed its applicability and effectiveness."

SAFETY BOARD COMMENTS ON OTHER AGENCIES' PROPOSED RULES

Comments on notices of proposed rulemaking which relate to earlier safety recommendations have within recent weeks been provided by the Board, in three instances to the Federal Aviation Administration and in one instance to the Bureau of Motor Carrier Safety, U.S. Department of Transportation.

On November 30, the Safety Board wrote to FAA concerning its Operation Review Program Notice No. 6, Docket No. 17154, Notice No. 77-20, published September 1 at 42 FR 44204. The Board supports proposed amendments 6-1 through 6-4, dealing with metal-to-metal type safety belt buckles, because they comply with the intent of Board recommendations A-70-47 and A-72-66.

The Board, however, notes with disappointment that two of its proposals (159, 160) were removed from consideration after the Operations Review Conference which was held in Arlington, Va., on December 1 through 5, 1975. Proposal 159 would have amended 14 CFR Part 91 to require shoulder harnesses to be installed and used in all small airplanes. The Board agrees that recent amendments to Parts 23 and 91 partially comply with the intent of Proposal 159 and its supporting Safety Recommendation A-70-42 by requiring shoulder harnesses on small aircraft manufactured after July 18, 1979. However, the Board believes that pilots and passengers on all existing small aircraft should be afforded the safety benefits of shoulder harnesses.

Proposal 160 would have amended Part 91 to require the use of a white flashing strobe light of high intensity, when required by the aircraft's airworthiness certificate, in place of incandescent lights. The Board believes that FAA misunderstood the intent of its proposal. The Board is concerned with the incidence of midair or near-midair collisions and believes that a high-intensity flashing white light would be the most conspicuous means currently available to alert pilots of the presence of other aircraft. The Board believes that FAA should specify performance standards for aircraft lights to insure their visibility.

Concerning FAA's proposal No. 77-17 to amend Part 135, Regulatory Review Program, published August 29 at 42 FR 43490, Safety Board comments dated December 1 refer to a 1972 safety recommendation, No. A-72-171. This recommendation asked the FAA to expedite redrafting of FAR 135 in its entirety, recognizing that the commuter air carrier operators are separate entities from the smaller air taxi charter operators.

The Safety Board continues to believe that Part 135 should distinguish between commuter air carrier operators and small air taxi charter operators. Further, the wide range of aircraft performing under this proposed Part 135—light, single reciprocating engine aircraft, helicopters, and high performance turbojet aircraft operating in low- or high-density areas—cannot receive the same safety benefits under the same rules and regulations, the Saftey Board stated.

However, the Safety Board finds the proposed new 14 CFR 135 an improvement over the current rule and therefore supports the intent of the proposed amendments and new rules, with the following exceptions:

Proposed § 135.77(b)(2).—This subparagraph should be revised to require that one pilot wear an oxygen mask and use oxygen whenever the aircraft is operating at or above 35,000 feet m.s.l. The Board is concerned because decompression can be as rapid as 2 seconds in small-cabin-volume aircraft when operating at high altitudes.

Proposed § 135.105(c).—The Board believes that the oral briefing should be supplemented by printed cards for the use of each passenger. Therefore, the Board suggests that the word "may" in paragraph (c) be changed to "shall."

Proposed § 135.125(d).—The Board strongly opposes the limitations proposed in the rule regarding installation of cockpit voice recorders, flight data recorders, and ground proximity warning systems. The proposed rule would require such equipment only in turbojet powered aircraft. The Board fails to understand why the type of propulsion—turbojet, turboprop, or reciprocating—should be a factor in such requirements and urges that the rule be expanded to include all aircraft capable of carrying 10 or more passengers.

Proposed § 135.145.—The Board concurs with this new rule but believes that descriptive language should be consistent within the rules when referring to the same type of equipment. In this rule, the equipment is described as "airborne thunderstorm detection equipment" while in § 131.357, the equipment is referred to as "airborne weather radar equipment." The Board believes that "airborne weather radar" is the more appropriate term because the equipment can detect more than thunderstorms.

Proposed §§ 135.151(a)(2), 135.153, and 135.155.—The Board believes that these rules belong under Subpart I, Airplane Performance, to consolidate performance requirements.

Proposed § 135.157.—The Board believes that this section should be made applicable to all operations without regard to the number of engines on the aircraft to provide the same safety benefits to all passengers of air taxi and commuter operations.

Proposed §§ 135.91, 135.151(b)(2) (i), (ii), (iii), and 135.169.—The Board is aware that comments are requested only on those areas where changes are proposed. However, the Board takes the following position about the three referenced, unchanged rules which permit certain flight operations under VFR, VFR over-the-top, or limited IFR conditions: During the field investigation phase of the "Air Taxi Study," air taxi operators were asked to explain how their pilots used the provisions of sections of the current 135.75, 135.145 and 135.99. Most operators replied that they did not understand how to realistically abide by the provisions of these sections; therefore, they instructed their pilots not to use them. At the ensuring Air Taxi Public Hearing an FAA representative, testifying as an operations specialist, could not describe how these provisions could be safely applied under all conditions. It is the Board's opinion that §§ 135.75, 135.145, and 135.99 should be removed from the proposed rules or rewritten so their intent cannot be misunderstood and misapplied. The Safety Board in its recommendation A-72-180 recommended that these parts be revised.

Proposed § 135.29.—The Board has previously expressed concern that air taxi commuter airlines, which perform substitute service (replacement service) for Part 121 certificate holders, are identified by the public with the scheduled air carrier. At public hearings and in correspondence to the Civil Aeronautics Board (CAB) and FAA, the Safety Board has stated that public identification of both the small and large air carrier should be separate and distinct. New § 135.29 applies to "use of business names" and states that "No certificate holder may operate an aircraft in operations subject to this part under a business name that is not on his ATCO certificate." 14 CFR 298.6 "Limitation on use of business name" states "* * * that the Board (CAB) may require an air taxi operation to change such name or names *where they appear contrary to the public interest.*" (Emphasis added.) To be responsive to the Board's position, the language of 14 CFR 298.6 should be incorporated in proposed § 135.29 and the content of the rule expanded to deny Part 135 operators the use of business names or trademarks which are the same as or similar to those names or trademarks used by other air carriers.

Also to the Federal Aviation Administration, the Safety Board on November 18 commented on notice of proposed rulemaking, Docket Nos. 76-SW-41 and 76-SW-52, published at 42 FR 56339 on October 25. The Board supports the proposed Airworthiness Directives which would require replacement of certain tension-torsion straps every 600 hours on all Bell Model 206 series helicopters. The Board understands that this action is in response to its recommendations A-77-54 and A-77-55, issued last July 26. (See 42 FR 39514, August 4, 1977.)

The Board points out that it does not believe that the actual cause of strap failures has been determined. Metallurgical examination by the Board's laboratory and an independent laboratory has revealed no evidence of corrosion as a factor in the strap failures. Additional metallurgical tests are being conducted and the results of those tests will be included in the Board's final reports.

In its December letter to the Bureau of Motor Carrier Safety commenting on Docket No. 77, Notice 77-6 (and NHTSA Docket No. 1-11, Notice 07) published at 42 FR 43414 last August 29, the Safety Board reemphasizes its longtime concern about the rear end underride protection problem. The Safety Board first made a recommen-

dation to the National Highway Traffic Safety Adminsitration in 1971, recommendation H-71-77. The Board believes that the need is even greater today because of the increased number of smaller passenger automobiles on the Nation's highways.

The Board believes that the maximum allowable clearance for the rear underride protection on a truck should be based on the height of a small passenger automobile tire. An underride guard that is not more than about 18 inches above the ground would be struck by a small automobile tire and would provide additional energy absorption capability. This height also should insure that the automobile's engine block will strike the underride guard. The longitudinal strength should be based on human survivability tolerances for an established set of conditions including the impacting vehicle's size, design, and speed, the Board said.

NOTE.—The above items are summaries. Copies of the full text of all referenced correspondence may be obtained at a cost of $4 for service and 10¢ per page for reproduction by writing to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please provide the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 30, 1977.

[FR Doc. 78-108 Filed 1-4-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 20, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Doctorates in Energy—1977, single, time, Ph. D.'s in energy work, Strasser, A., C. Louis Kincannon, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Services, Survey of Laboratory Animal Facilities and Resources, single time, laboratory animal facilities, Richard Eisinger, Office of Federal Statistical Policy and Standard, 395-3214.

Food and Drug Administration, Products License Application for the Manufacture of Blood Grouping Serum, FDA-3066, on occasion, manufacturers of blood grouping serum, Richard Eisinger, 395-3214.

Center for Disease Control, Characterization of Byssinosis in Segments of the Cotton Industry, single time, secondary cotton industry, Richard Eisinger, Ellett, C. A., 395-3214.

Public Health Service, National Inventory of Family Planning Service, Sites 1978 Survey, single time, providers of family planning services, Richard Eisinger, 395-3214, Office of Federal Statistical Policy and Standard.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:

Survey of Local Government Finances Major Special Agencies, F-29, annually, multipurpose special districts, Ellett, C. A., 395-6132.

1978 Survey of Municipal or Township Finances, F-21, annually, city and town government officials, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of Neurological Disease, single time, households in Copiah, County, Miss., Richard Eisinger, 395-3214, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Request for Release of Funds and Certification, HUD 7015.15, on occasion, block grant grantees, Budget Review Division, 395-4775.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Local Government Finances (Special Agencies), F-32, annually, single purpose special districts, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Safety and Security Survey, other (See SF-83), 3 preselected public housing sites, Laverne V. Collins, 395-3214, Office of Federal Statistical Policy and Standard.

Community Planning and Development Satisfaction of Conditional Approval, HUD 7015.14, on occasion, community development block grantees, Budget Review Division, 395-4775.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 78-223 Filed 1-4-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 27, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

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NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Western U.S. Steel Market Study, single time, steel producers, importers, distributors, C. Louis Kincannon, 395-3211.

DEPARTMENT OF ENERGY

Monthly Report of Natural Gas Pipeline Curtailments, monthly, natural gas pipeline companies, C. Louis Kincannon, 395-3211.

Monthly Report of Cost and Quality of Fuels for Electric Plants, monthly electric utility companies, C. Louis Kincannon, 395-3211.

Report of Gas Supply, Requirements and Curtailments, semiannually, natural gas pipeline companies, C. Louis Kincannon, 395-3211.

Reporting of New Nonjurisdictional Sales of Natural Gas by Natural Gas Companies Subject to Jurisdiction of the FPC, monthly, natural gas companies, C. Louis Kincannon, 395-3211.

Licensed Projects Recreation Report, Other (See SF-83), electric utilities, C. Louis Kincannon, 395-3211.

Report of Events Affecting Bulk Power Supply, on occasion, electric energy generation or transmission entities, C. Louis Kincannon, 395-3211.

U.S. INTERNATIONAL TRADE COMMISSION

Sugar: Corn Sweetener Producers' Questionnaire. single time, U.S. corn sweetener producers, C. Louis Kincannon, 395-3211.

GENERAL SERVICES ADMINISTRATION

Solicitation, Offer, and Award, GSA-1424 A, B, on occasion, tool suppliers, Caywood, D. P., 395-3443, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Title VI—Civil Rights Act of 1964, FNS-64, on occasion, State agencies, Laverne V. Collins, 395-3214.

Statistical Reporting Service, 1978 Crop Acreage Set-Aside Participation Survey, single time, sample of farms, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF COMMERCE

Bureau of Census, Letters to Non-Government Sources of "Farm" Operations Not Likely to Be Included as Farms in Administrative Records of Farm Operation Addresses, single time, originals holding lists of typical farm operations, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Income Survey Development Program—1978, Research Panel, OS-19-77, quarterly, household members in national probability sample, Strasser, A., 395-6132, Office of Federal Statistical Policy and Standard.

Alcohol, Drug Abuse and Mental Health Administration, Evaluation of the National Drug Abuse Prevention Campaign, single time, Persons 12 years of age and older in 10 market areas, Human Resources Division, C. Louis Kincannon, 395-3532.

Health Resources Administration, Evaluation of the Expanded Function Dental Auxiliary Training Program, single time, dental auxiliary schools, Human Resources Division, Richard Eisinger, 395-3532.

Office of Human Development, Development of Intercountry Adoption Guidelines, single time, private sector agencies and individuals, Laverne V. Collins, 395-3214.

DEPARTMENT OF LABOR

Employment and Training Administration:
- Men in WIN, MT-283, single time, food stamp registrants, Lowry, R. L., 395-3772.
- Disaster Unemployment Assistance Handbook, ETA-8-1 to 4, on occasion, applicants for DUA, Lowry, R. L., Strasser, A., 395-3772.

REVISIONS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

TV Film Usage Inquiry, NHQ 468, quarterly, TV program managers or news directors, Marsha Traynham, 395-3773.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Construction Project Report, C-700, monthly, owners of privately owned nonresidential construction projects, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.
- Construction Project Report—State and Local Governments, C-700SL, monthly, State and local government officials, Lowry, R. L., 395-3772, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Study of Housing for Migratory Agricultural Workers, single time, persons or agencies who provide migrant housing, Caywood. D. P., 395-3443, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Title I Claim for Loss (Property Improvement), FH-7, on occasion, banks, savings, loans, credit unions, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Vehicle Information Request (Audits), HS 161, on occasion, vehicle owners, lease/rental agencies, new car dealers, Strasser, A., 395-6132.

EXTENSIONS

VETERANS ADMINISTRATION

Notice of Authorization of Subsistence Allowance, 22-1923, on occasion, veterans, Caywood, D. P., 395-3443.

FEDERAL RESERVE SYSTEM

Report of Negotiable Orders of Withdrawal (NOW) Accounts, FR 2015, monthly all depository institutions in New England, C. Louis Kincannon, 395-3211, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Record of Animals on Hand (Other Than Dogs and Cats), VS 18-19, Other (See SF-83), USDA licensed and registered animal dealers and exhibitors, Lowry, R. L., 395-3772.

Food Safety and Quality Service, Regulations—Inspection, Certification, and Standards for Fresh Fruit, Vegetable and Other Products, on occasion, business firms, Lowery, R. L., 395-3772.

Animal and Plant Health Inspection Service, Application for Import or In-Transit Permit—Animal Semen, Poultry, and Hatching Eggs, VS17-129, on occasion, zoos and small firms, Lowry, R. L., 395-3772.

Forest Service, Collection and Analysis of Timber Purchasers' Cost and Sales Data, annually, Sample of national forest timber purchasers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Loan Transfer Statement, DO-1074, on occasion, participant lenders, Laverne V. Collins, 395-3214.

Social Security Administration:
- Report of Student About To Attain Age 22, SSA-1389, on occasion, student beneficiaries who will soon attain age 22, Human Resources Division, Caywood, D. P., 395-3532.
- Partnership Questionnaire To Determine Whether an Actual Partnership Exists, SSA-7104, annually, individuals alleging partnership in a business, Human Resources Division, Caywood, D. P., 395-3532.
- Annual Report of Earnings and Estimate of Earnings (Beneficiaries Whose Annual Earnings Exceed Twelve Hundred), SSA-777, annually, beneficiaries who have had benefits suspended, Human Resources Division, Caywood, D.P., 395-3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey for Government Printing Office—Employer Contributions for Insurance, BLS 3028, annually, printing firms, industry, associations, labor unions, Strasser, A., Office of Federal Statistical Policy and Standard, 395-6132

Employment and Training Administration, Report of Activities Related to Expanded PSE Program, ETA 1 & 8, monthly, State and local agencies, Strasser, A., 395-6132.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
- Crossing Federal Range Application and Permit, 4115-10, on occasion, livestock ranchers, Lowery, R.L., 395-3772.
- Recreation Visitor Survey, Outdoor Recreation Interview, 6160-2, other (see SF-83), recreation visitors, Lowry, R.L., Office of Federal Statistical Policy and Standard, 395-3772.

Bureau of Sport Fisheries and Wildlife:
- Report of Migratory Birds Taken, 3-430A, annually, federal individuals with permits, Lowry, R.L., Office of Federal Statistical Policy and Standard, 395-3772.
- Application for Fur Trapping Permit, 3-2001, annually, individual fur trappers, Lowry, R.L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 78-229 Filed 1-4-78; 8:45 am]

[7040-01]

SUSQUEHANNA RIVER BASIN COMMISSION

HYDROPOWER AT RAYSTOWN LAKE PROJECT

Public Meeting

The Susquehanna River Basin Commission and U.S. Army Corps of Engineers, Baltimore District, will hold a joint public meeting to receive public comments on the results of the Corps study on the feasibility of including hydropower at the existing Raystown Lake project, Juniata County, Pa. The meeting will be held on January 25, 1978, beginning at 7:30 p.m. in Alumni Hall, Juniata College, Huntingdon, Pa.

Under Article 12.1 of the Susquehanna River Basin Compact, no Federal project will be deemed authorized unless it has first been included by the Commission, after public hearing, in its Comprehensive Plan. The Commission will separately review the Corps' study and testimony received at this meeting when evaluating the Corps final recommendations for inclusion in the Comprehensive Plan. By holding a joint meeting, the Commission hopes

to reduce the public's time and effort to express their opinions on the study results.

A notice containing details of the study results to date will be issued by the Baltimore District Corps of Engineers. Anyone interested in receiving a copy of the notice may send their request to the Corps' office at P.O. Box 1715, Baltimore and Charles Streets, Baltimore, Md. 21203.

All interested governmental agencies and citizens are urged to attend the meeting and present their views

ROBERT J. BIELO,
Executive Director.

[FR Doc. 78-109 Filed 1-4-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-245]

PROPOSED BRIDGE ACROSS STATION CREEK, MILE 2.6, BEAUFORT COUNTY, S. C.

Notice of Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District in the Beaufort National Guard Armory, 1500 Rodgers Street, Beaufort, S. C., on February 1, 1978, from 2 to 5 p.m. and from 7 p.m. until necessary to complete the hearing. The purpose of the hearing is to consider the permit application from Mr. O. Stanley Smith, Jr., d.b.a. St. Phillips Development Co., to construct a fixed bridge across Station Creek, mile 2.6, Beaufort County, S.C. The proposed bridge will cross Station Creek to provide access to St. Phillips Island. There are also seven bridges proposed on St. Phillips itself to facilitate the movement of traffic within the planned residential development proposed for the island.

A revised Draft Environmental Impact Statement (DEIS) on the project was filed with the Council on Environmental Quality on September 30, 1977, in compliance with the National Environmental Policy Act of 1969 (Pub. L. 91-190). Copies of the DEIS are available on request by writing the office of the Commander (oan), Seventh Coast Guard District, Federal Building, Room 1002, 51 S.W. First Avenue, Miami, Fla. 33130. Copies of the DEIS are available for inspection at the above address.

The determination of whether a Coast Guard bridge permit will be issued must rest primarily on the project's impact on navigation and the environment.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District by January 30, 1978. Such notification should include the approximate time required to make the presentations. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing. Those wishing to make written comments only may submit those comments at the hearing, or to the Commander (oan), Seventh Coast Guard District. Comments must be received by March 3, 1978. Written comments will be available for public inspection in the office of the Commander (oan), Seventh Coast Guard District. A transcript of the hearing will also be available for inspection approximately 30 days after the hearing.

All comments, oral and written, will be considered before a final determination is made of the subject application by the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Section 502, 60 Stat. 847, as amended: 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C), 49 CFR 1.46(c)(10).)

Dated: December 30, 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 78-174 Filed 1-4-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

AIR BRAKE SYSTEMS

Requirements for Air-braked Buses

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, January 4, 1978. It is reprinted in this issue to meet assigned day-of-the-week publication requirements.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petitions for amendment of the standard.

SUMMARY: This notice denies a petition of the American Public Transit Association to exclude transit buses from the "no lockup" requirement of Standard No. 121, Air Brake Systems, and a joint petition of the American Bus Association, the Greyhound Corp., Trailways, Inc., and Motor Coach Industries to extend until January 1, 1979, the present suspension of bus service brake stopping distance requirement. The petitions arise because of transit and intercity bus operators' dissatisfaction with the adequacy of testing conducted with the one antilock system used to meet the "no lockup" requirement on buses. The NHTSA concludes that the single reported case of erratic service brake performance does not justify further delay of the standard's benefits.

FOR FURTHER INFORMATION CONTACT:

Mr. Duane Perrin, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2153.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (S5.3.1). The NHTSA suspended the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (41 FR 1598; January 9, 1976). Several vehicle manufacturers and user groups argued that the suspension should be for a longer period and the suspension was extended from January 1, 1977, to September 1, 1977 (41 FR 52055; November 26, 1976), and subsequently to January 1, 1978 (42 FR 30188; June 13, 1977), with an additional 3-month delay for school buses.

PETITIONS AND REQUESTS FOR DELAY

The American Bus Association (ABA), the Greyhound Corp., Trailways, Inc., and Motor Coach Industries (MCI) petitioned in the case of intercity and transit buses for a continuation until January 1, 1979, of the suspension of the bus service brake stopping distance requirements (S5.3.1) of Standard No. 121, including the "no lockup" requirement that provides for lateral stability of the vehicle during stopping maneuvers. The petition is based on the experience of one bus involved in antilock testing which experienced several intermittent losses of brakes when stopped on an incline, on July 15 and July 23, 1977. No accident or injury occurred in either case, but the antilock system was removed at the request of the operator following these occurrences.

A second basis for the requested delay was testing of antilock-equipped and non-antilock-equipped buses in which shorter stopping distances were obtained without antilock action in some straight-line, low-speed stops.

The longer stopping distances were further increased by inducing an electrical failure in the antilock system.

A separate request for similar delay by Trailways, Inc., (October 26, 1977, letter from D. Wayne Strout) apparently was based on the same straight-line, low-speed testing. Trailways also requested prohibition of the "recognition factor" incorporated in antilock logic which delays reversion of the system to "fail-safe" mode in certain cases for a short period after a malfunction is detected.

The American Public Transit Association (APTA) petition for permanent exclusion of transit buses from the "no lockup" requirement of the standard. The petition was based on numerous reports of malfunctioning truck antilock systems, claims that truck antilock system malfunctions have caused accidents and injuries, the low average operating speed of transit buses, and the assertion that "the incidence of skidding in the transit industry is extrememly slight". In addition, APTA believes that the size of the antilock test fleet whose experience was used as the basis for the June 1977 decision to reimplement the service brake stopping distances on January 1, 1978, was inadequate. As an alternative to permanent exclusion, APTA petitioned for a 2-year delay while further testing is conducted.

Eagle International, Inc., a major manufacturer of intercity buses, requested a 150-day delay in reimplementation of the requirements in order to obtain parts not available as of November 15, 1977, to train personnel, and to conduct testing on the test track and in service. It has since been orally verified that the parts are available and that the relief is no longer needed.

Although all of the issues raised by the petitioners are in reference to antilock systems, it is noted that the standard does not require the use of antilock systems. Further most bus manufacturers have determined that the "no lockup" portion of the requirement can be met without the use of antilock systems.

Disposition of the Petitions

The suspension of bus stopping distance requirements was granted in January 1976 because of documented erratic and potentially unsafe behavior of the only antilock system then available to intercity and transit bus manufacturers to comply with the "no lockup" performance requirement.

A second antilock supplier (AC Spark Plug Division of General Motors) began bus antilock testing in November 1975 and has since become the sole supplier in the market. The agency stated in November 1976 that the performance of the AC system as installed on intercity and transit buses justified reimplementation of the "no lockup" requirement in September 1977. In its June 1977 reconsideration of this decision, the agency noted the malfunction-free performance of "second-generation" AC components but delayed reimplementation for three months to confirm the reliability of the new components.

General Motors installed the AC system on its own intercity and transit coaches, MCI and Prevost intercity coaches, and on Rohr-Flxible transit coaches for a total of 34 buses. Initial heat build-up problems and water intrusion with first generation sensors were solved with a more resistant, sealed sensor design, and an upgrading of controller design was effected to obtain commonallity with similar AC truck systems incorporating improved diagostic features. One intercity bus experienced two instances of intermittent loss of brakes on both axles, allowing it to roll several feet after it had been stopped on an incline. The brake loss was apparently due to the antilock system because the loss of brakes could not be duplicated with the system disconnected. General Motors performed a series of tests with the vehicle but could not diagnose or duplicate the problem. Although no accident occurred, the antilock system was removed from the vehicle.

The 11 intercity buses in the AC test fleet had operated 1,493,000 miles as of the October 1977 status report. Counting both the single case of brake loss and the seven cases of fail-safe sensor malfunction, a failure rate of one failure per 187,000 vehicle miles is obtained. The failure rate is further improved when only the data from improved sensors and controllers is considered (206,000 miles per failure) and should be further improved when the encapsulated sensor design is generally introduced. The failure rate of the 22 transit buses in a total 842,000 miles is one failure per 94,000 miles, and the malfunctions have all been fail-safe. Six of the 9 failures involved the sensor, and the encapsulated design is expected to improve system performance dramatically.

Notwithstanding the case of the single bus demonstrating two instances of brake loss, the agency is satisfied that the AC system has shown itself reliable in the 2.3 million miles of vehicle testing on intercity and transit buses. When an engineer is presented with isolated behavior that cannot be replicated in any other vehicle or environment or even in the single bus in which it occurred, and has not experienced brake loss in any of the remainder of its test fleet, the responsible judgement is that the inexplicable single case must be evaluated as an isolated phenomenon. It is the NHTSA's judgement in this case that the benefits of "no lockup" performance should be put in place and not delayed in view of the isolated nature of the one failure.

The associations representing both intercity and transit bus operators agree with the agency about the benefit of "no lockup" performance. The ABA, Greyhound, Trailways, and MCI all stated in their joint petition:

> So that this record is clear, petitioners do not in any way object to the improved safety and safety objectives performance [sic] of Standard No. 121. In fact, petitioners share the Agency's view, as stated in its June 13, 1977, Order, of the desirability, from a safety point of view, of "no lockup" performance on transit buses.

The APTA stated in its petition that "the transit industry is not opposed to the concept of preventing skidding if the designs used to meet the performance requirement are fail-safe, require only reasonable maintenance, present no risk to bus passengers, and are adequately tested." In the December 15, 1977, public meeting on antilock systems, Mr. Jack Schnell of APTA reiterated the position that the concept of antilock is good. However, APTA asserted in its petition that the low operating speed of transit buses and their low likelihood of skidding make this category of vehicle inappropriate for "no lockup" performance. The agency has treated the issue of transit bus duty cycles previously (41 FR 52056; November 26, 1976) and concluded that available data on bus accidents (Bureau of Motor Carrier Safety data on intercity bus operation for the most part) support the conclusion that bus skidding occurs from relatively low pre-accident speeds and commonly in business and residential areas typical of transit-bus operation. The average speed of transit bus operations are not determinative, in that they represent time stopped and stopping as well as time underway. APTA provided no data in its petition to support the contention that transit buses do not share the lateral instability problems of straight trucks and combinations.

The contentions of the APTA about antilock systems reliability are based on information from antilock systems other than the AC system that will be used on the few transit and intercity buses that need antilock systems. The Chicago Transit Authority (CTA) objection about radio frequency interference is repeated, despite the agency's finding in its June 1977 notice that the RFI complaints apparently refer to the Rockwell International antilock system which is no longer available for installation in new bus production. The APTA reference to 1975 testing refers to the Rockwell system also.

The APTA listed reports of experience with antilock systems installed in trucks but did not discuss the AC test

program for the only system that will be installed on few buses that will use antilock systems. APTA makes the conclusory statement that the AC test fleet was too small, without explaining why it disputes the validity of the conclusions derived from the AC test data. The agency's analysis of the few malfunctions experienced in the AC test fleet is that performance of production-installed systems in highway service should substantially exceed test experience to date because of the use of the improved encapsulated sensor design. Even without this anticipated improvement, maintenance is expected to fall within completely reasonable bounds. As of the October 1977 report from GM on its AC system, the 22 transit buses in its test fleet had accumulated a total of 842,000 miles with only 8 antilock equipment failures and one instance of an antilock sensor that was damaged due to improper maintenance. Of this total, 99,000 miles have been accumulated using the encapsulated sensor design (available since June 1977), and no failures on these buses have occurred.

In its separate request for continuation of the suspension of "no lockup" performance requirements, Trailways pointed out that stopping distances of antilock-equipped buses can under some circumstances be longer than stopping distances of non-antilock equipped vehicles, because of the series of momentary brake releases that is integral to antilock operation. Braking on split traction coefficient surfaces is an example of a situation where this could occur. Somewhat greater increases can be induced by certain intermittent electrical failures because of the time necessary for the antilock logic to detect the failure (called the "recognition factor") and reapply the brakes. Because of these characteristics of antilock controlled braking, the ABA, Greyhound, Trailways, and MCI ask for a continuation of the suspension. Trailways also suggested a prohibition on the "recognition factor" in the case of differential wheel speed analysis.

The agency is aware of the possible trade-off between stopping distance and lateral stability in the design of brake systems. Although vehicle tests show that antilock-equipped vehicles will generally stop in somewhat shorter distances than equivalent vehicles without antilock, there are certain conditions where some stopping capability of the loaded vehicle must be sacrificed to preserve lateral stability of the unloaded vehicle. The installation of antilock systems provides a compromise between these competing needs. It is noteworthy that, in all cases, the tested bus stopped within the stopping distances specified by the standard.

A comparable balancing of benefits was involved in the NHTSA's agreement that "recognition factors" are an important, necessary aspect of antilock system design. As stated in a December 1974 letter of interpretation to Eaton Corp.:

> The NHTSA believes that this period of initial recognition is desirable to detect and eliminate incorrect indications of malfunction without interfering with the antilock function * * * The NHTSA interprets S5.5.1 to permit an increase in actuation time while antilock logic circuitry first recognizes a failure occurring during brake actuation, and deactivates that antilock system.

It is clear f rom this interpretation that Trailways is mistaken in thinking that the AC system fails to comply with the standard and that therefore no complying antilock system exists with which to comply with the air brake standard. As evidenced by the above discussion, the agency has previously considered the issues raised by Trailways in detail, and judges that the probability of somewhat increased stopping distances under some circumstances is vastly outweighed by the improved lateral stability of the vehicle in stopping and turning maneuvers in service. For this reason, the agency declines to modify with the standard with regard to "recognition factor" as requested by Trailways.

The cost of reimplementing the stopping and "no lockup" requirements should be minor since most of the manufacturers do not need to install antilock systems to meet the requirements. Under an interpretation issued by this agency in response to an inquiry by AM General, a test driver can "modulate" the braking effort during compliance testing. Most buses do not need antilock to be successfully stopped without wheel lockup within the 293-foot stopping distance and the 12-foot wide lane.

For the foregoing reasons, the petitions of Trailways, Greyhound, MCI, the ABA, and APTA are denied.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50).

Dated: December 30, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 77-37421 Filed 12-30-77; 4:57 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-71 (Sub-No. 1)]

ANNE ARUNDEL COUNTY AND CITY OF ANNAPOLIS ABANDONMENT OVER BALTIMORE AND ANNAPOLIS RAILROAD CO. FROM GLEN BURNIE TO CITY OF ANNAPOLIS, MD.

Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a (6)(a)) that by a report and order entered June 20, 1977, and the order of the Commission, Division 3, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Anne Arundel County and the City of Annapolis of a portion of the line of the Baltimore and Annapolis Railroad Co. beginning at Glen Burnie and extending in a southeasterly direction to the city of Annapolis, all in Anne Arundel County, Md., a distance of 15.4 miles. A certificate of abandonment will be issued to the Anne Arundel County and the City of Annapolis based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time; not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of

rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-144 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 555]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 113855 (Sub-No. 376), International Transport, Inc., now being assigned February 22, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated, instead of January 27, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-136 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 556]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 143129, B.J.T. Transport, Inc., now being assigned March 14, 1978 (4 days), for hearing at Providence, R.I., in a hearing room to be later designated and continued to May 2, 1978, at the Office of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-137 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 557]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 113382 (Sub-No. 18), Nelsen Bros., Inc., now being assigned February 27, 1978 (1 day), at Omaha, Nebr., in a hearing room to be later designated, instead of January 27, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-138 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 558]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION[1]

MC 70470 (Sub-No. 8), Film Transport Co., now being assigned January 23, 1978 (1 week), at Lincoln, Nebr., and will be held in Bankruptcy Court Room 543, Federal Building and Courthouse, 100 Centennial Mall North.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-139 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 559]

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-13275, Consolidated Freightways Corp. of Delaware—Purchase—G. E. Wolfe Transportation Lines, Inc. and MC 42487 (Sub-No. 867), Consolidated Freightways Corp. of Delaware, now assigned January 9, 1978, at Buffalo, N.Y., is cancelled and transferred to Modified Procedure.

MC 143379 (Sub-No. 2), Cox Transport Corp. and MC 139882 (Sub-No. 4), Glen M. Barney, d.b.a. Barney & Sons, now being assigned March 9, 1978 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 117565 (Sub-No. 97), Motor Service Co., Inc., now assigned January 9, 1978, at Columbus, Ohio, is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-140 Filed 1-4-78; 8:45 am]

[7035-01]

[Docket No. AB-18 (Sub-No. 24)]

CHESAPEAKE & OHIO RAILWAY CO., ABANDONMENT WITHIN CITY LIMITS OF CINCINNATI, HAMILTON COUNTY, OHIO

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on November 22, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the

[1] This notice corrects the title from Film Transit Co. to Film Transport Co.

protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Chesapeake & Ohio Railway Co. of that portion of its line of railroad known as the Cheviot Subdivision which extends from valuation station 10+37 to valuation station 98+86.5, a distance of 1.57 miles, within the city limits of Cincinnati, in Hamilton County, Ohio. A certificate of abandonment will be issued to the Chesapeake & Ohio Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquistion and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquistion of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-145 Filed 1-4-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1977.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43484, Chicago & North Western Transportation Co's. No. 110, on multiple carload rates on corn and soybeans from origins in Illinois to Chicago, Ill., in its tariff 17194-C, ICC 214, to become effective February 2, 1978. Grounds for relief—market competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-142 Filed 1-4-78; 8:45 am]

[7035-01]

[Docket No. AB-2 (Sub-No. 11)]

LOUISVILLE & NASHVILLE RAILROAD CO., ABANDONMENT BETWEEN ROWLAND AND LANCASTER, IN LINCOLN AND GARRARD COUNTIES, KY.

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 15, 1977, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 ICC 700, the present and future public convenience and necessity permit the abandonment by the Louisville & Nashville Railroad Co. of its branch line extending from milepost RB 104.82, near Rowland, Ky., in a north northeasterly direction to the end of the track at milepost RB 113.15, near Lancaster, Ky., approximately 8.33 miles, in Lincoln and Garrard Counties, Ky. A certificate of abandonment will be issued to the Louisville & Nashville Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-146 Filed 1-4-78; 8:45 am]

[7035-01]

[Notice No. 277]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 5, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77450. By application filed December 29, 1977, CHIPPEWA TRANSPORT CO., 1616 Terminal Drive, Saginaw, Mich. 48601, seeks temporary authority to lease the operating rights of MACKINAW CO., 1500 Pine Street, Essexville, Mich. 48632, under section 210a(b). The transfer to Chippewa Transport Co., of the operating rights of Mackinaw Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-141 Filed 1-4-78; 8:45 am]

[7035-01]

[Finance Docket No. 28641]

MISSOURI PACIFIC RAILROAD CO.

Trackage Rights Over the Atchison, Topeka & Santa Fe Railway Co. Between Arkansas City and Winfield, Kans.

Missouri Pacific Railroad Co. (MoPac), 210 North 13th Street, St. Louis, Mo. 63103, represented by Robt. S. Davis, Commerce Counsel, Missouri Pacific Railroad Co., 2008 Missouri Pacific Building, 210 North 13th Street, St. Louis, Mo. 63103 hereby give notice that on the 27th day of December, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing the MoPac to acquire trackage rights for joint use with the Atchison, Topeka & Santa Fe Railway Co., of the Santa Fe tracks between Arkansas City, Kans., and Winfield, Kans., a distance of 14.51 miles, all of which is located in Cowley County, Kans., which application is assigned Finance Docket No. 28641.

MoPac serves both Arkansas City and Winfield, Kans., but its operation between these two points is around two sides of a triangle via Dexter, Kans., which tracks are subject to almost annual flood damage. Santa Fe has tracks between Arkansas City and Winfield, which it has agreed to permit MoPac to use, and a trackage rights agreement has been signed.

If the trackage rights agreement is approved, MoPac will abandon its tracks between Arkansas City and Dexter and Dexter and Winfield (which application has been concurrently filed and docketed AB-3 (Sub-No. 15)) and operate over the Santa Fe tracks between Arkansas City and Winfield.

MoPac's tracks washed out in June, 1977, and MoPac is now operating over the Santa Fe tracks under Service Order No. 1269, which will expire on March 31, 1978.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the aniticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28641 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-143 Filed 1-4-78; 8:45 am]

[Volume No. 51]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

DECEMBER 30, 1977.

[7035-01]

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket," "sub," and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 19227 (Sub-No. 173) M2 (correction) (notice of filing of petition to modify a certificate), filed August 29, 1977, published in the FEDERAL REGISTER issue of October 27, 1977, and republished, as corrected, this issue. Petitioner: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Petitioner's representative: Thomas A. Leonard (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 19227 (Sub-No. 173), issued June 27, 1975, authorizing transportation, over irregular routes, of *Signs, sign parts, and accessories and equipment* used in the installation of signs and sign parts, between the plantsites of Federal Sign and Signal Corp., at Los Angeles, Calif., Louisville, Ky., Knoxville, Tenn., and Arlington, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to modify the above authority by substituting Cucamonga, Calif., in lieu of Los Angeles, Calif., as a plantsite location. The purpose of this republication is to designate the requested authority under "M2" in lieu of M1 as previously published for clarity.

No. MC 8973 (Sub-No. 42G) M1 (petition to modify a certificate), filed October 6, 1977. Petitioner: METROPOLITAN TRUCKING, INC., 2424, 95th Street, North Bergen, N.J. 07047. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds a certificate of public convenience and necessity, issued August 18, 1977, authorizing operations, as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Aluminum sheet*, (a) from the facilities of Alcan Aluminum Corp., at Oswego, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized; (b) from the facilities of Alcan Aluminum Corp., at Warren, Ohio, and Fairmont, W. Va., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and points in New York in

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

that portion of the New York, N.Y. commercial zone as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), with no transportation for compensation on return except as otherwise authorized. (1) *Such aluminum sheet* as is *building materials, equipment, and supplies,* and as is *hardware,* (a) from the facilities of Alcan Aluminum Corp., at Oswego, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Virginia, with no transportation for compensation on return except as otherwise authorized; (b) from the facilities of Alcan Aluminum Corp., at Warren, Ohio, and Fairmont, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests modification of the aforesaid certificate, so as to delete from the second granting paragraph of the aforesaid certificate, the language *such aluminum sheet* as is *building materials, equipment, and supplies,* and as is *hardware,* and the substitution therefor of *aluminum sheet.*

No. MC 30844 (Sub-No. 360) (M1), (notice of filing of petition to broaden commodity description), filed November 29, 1977. Petitioner: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Petitioner's representative: John P. Rhodes (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 30844 (Sub-No. 360), issued April 28, 1972, authorizing transportation, over irregular routes, of *Glass rods and glass tubing,* from the plantsite and storage facilities of Becton, Dickinson and Co., at Sumter, S.C., to Broken Bow, Columbus and Holdrege, Nebr. By the instant petition, petitioner seeks to broaden the commodity description by adding: Rubber laboratory stoppers and rubber syringe stoppers.

No. MC 65941 (Sub-No. 28) (M1) (notice of filing of petition to modify commodity description), filed November 21, 1977. Petitioner: TOWER LINES, INC. P.O. Box 6010, Wheeling, W. Va. 26003. Petitioner's representative: K. Edward Wolcott, Suite 1600 First Federal Bldg., Atlanta, Ga. 30303. Petitioner holds a motor *common carrier* certificate in No. MC 65941 (Sub-No. 28), issued March 17, 1970, authorizing transportation, over irregular routes, of: *Roof deck,* from the plantsite of the Wheeling Corrugating Co., a division of the Wheeling-Pittsburgh Steel Co., at Beech Bottom, W. Va., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Georgia, Florida, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, and the District of Columbia. By the instant petition, petitioner seeks to change the commodity description to read: *Iron and steel articles.*

No. MC 65941 (Sub-No. 32) (M1) (notice of filing of petition to broaden commodity description), filed November 23, 1977. Petitioner: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Petitioner's representative: K. Edward Wolcott, Suite 1600 First Federal Bldg., Atlanta, Ga. 30303. Petitioner holds a motor *common carrier* certificate in No. MC 65941 (Sub-No. 32), issued March 8, 1971, authorizing transportation, over irregular routes, of: *Electrical conduit and fittings,* from the plantsite of Wheeling-Pittsburgh Steel Corp. at Benwood, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Rhode Island, Virginia, Vermont, Wisconsin, points in that part of Georgia south and east of a line extending from the South Carolina-Georgia State line, at Augusta, Ga., along U.S. Highway 1 to Louisville, Ga., thence along Georgia Highway 24 to junction Georgia Highway 22 near Milledgeville, Ga., and thence along Georgia Highway 22 to the Georgia-Alabama State line, points in that part of Pennsylvania east of U.S Highway 219, points in that part of Tennessee west of U.S. Highway 31W north of Nashville, Tenn. and west of U.S. Highway 31 south of Nashville, and points in the District of Columbia, restricted to transportation of traffic, originating at the above-named plantsite. By the instant petition, petitioner seeks to add pipe, so that the commodity description would read: *Electrical conduit, pipe, and fittings therefore.*

No. MC 57591 (Sub-Nos. 12, E-1 and 17G) M1 (notice of filing of petition to modify a restriction), filed October 3, 1977. Petitioner: EVANS DELIVERY CO., INC., P.O. Box 268, Pottsville, Pa. 17901. Petitioner's representative: Albert L. Evans, Jr. (same address as applicant). Petitioner holds motor *common carrier* certificates in MC 57591 (Sub-Nos. 12 and 17G) issued April 5, 1971 and March 23, 1977, respectively and has filed a letter notice in No. MC 57591 (Sub-No. E-1); this notice was filed May 31, 1974 and published in the FEDERAL REGISTER issue of March 23, 1977. The certificate in No. MC 57591 (Sub-No. 12) authorizes transportation over irregular routes, of *General Commodities* (Except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities requiring mechanical refrigeration, and those injurious or contaminating to other lading) between Pottsville, Pa. on the one hand and, on the other, points in the Philadelphia, Pa. Commercial Zone as defined by the Commission. Restriction: The operations authorized herein originating at or are destined to points in Pennsylvania in the Philadelphia, Pa., Commercial Zone, are restricted to movement in interstate commerce via carriers other than applicant; in MC 57591 (Sub-No. E-1). *General Commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration), between Philadelphia, Pa. on the one hand and, on the other, points in Schuylkill, Columbia, Montour, and Northumberland Counties, Pa. and Dauphin County, Pa. (except points in Dauphin County on and south of a line beginning at the Dauphin-Schuylkill County line and extending along Pennsylvania Highway 325 to the Susquehanna River), and points in Luzerne County on, south, and east of a line beginning at the Columbia-Luzerne County line and extending along U.S. Highway 11 to the Nanticoke bypass entrance to Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 437, thence along Pennsylvania Highway 437 to junction Pennsylvania Highway 940 at White Haven, thence along Pennsylvania Highway 940 to junction unnumbered highway, thence along unnumbered highway to the Carbon-Luzerne County line at or near Eckley, Pa. Restriction: The operations authorized herein originating at or destined to points in Pennsylvania in the Philadelphia, Pa., Commercial Zone, are restricted to movement in interstate commerce via carriers other than applicant; in MC 57591 (Sub-No. 17G). *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration), between Philadelphia, Pa. on the one hand and, on the other, points in that part of Penn-

sylvania within 50 miles of Pottsville (except points in Schuylkill, Columbia, Montour, Northumberland, and Dauphin (except points south of Pennsylvania Highway 325 extending from the Dauphin-Schuylkill County line to the Susquehanna River) Counties, and points in that part of Luzerne County on, south, and east of a line beginning at the Columbia-Luzerne County line, thence along U.S. Highway 11 extending east of the Nanticoke bypass entrance to Interstate Highway 81, over the Nanticoke bypass to Interstate Highway 81, thence over Interstate Highway 81 to its junction with Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to its junction with Pennsylvania Highway 437, thence over Pennsylvania Highway 437 to its junction with Pennsylvania Highway 940 at White Haven, thence over an unnumbered highway to the Carbon-Luzerne County line near Eckley, Pa. By this instant Petition, Petitioner seeks to delete the restrictions in the above-described commodity which reads as follows: "except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring mechanical refrigeration."

No. MC 108305 (Sub-No. 7) (M1) (notice of filing of petition to broaden territory), filed November 28, 1977. Petitioner: McCARTHY TRANSPORT, INC., 217 Read Street, Portland, Maine 04104. Petitioner's representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, Mass. 02019. Petitioner holds a motor *contract carrier* Permit in No. MC 108305 (Sub-No. 7), issued December 26, 1968, authorizing transportation, over irregular routes, of *Such merchandise as is dealt in by* wholesale, retail, and chain stores and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), Between Portland, Maine on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State Line; Between Somerville and Southboro, Mass., Hartford, Conn., South Kearny, N.J. on the one hand and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and those in that part of New York on and south of a line beginning at the Vermont-New York State line and extending along New York Highway 7 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania Stae Line, under a continuing contract or contracts with First National Stores, Inc., of Somerville, Mass. By the instant petition, petitioner seeks to add Windsor Locks, Conn. as a base point in the above authority.

No. MC 11343 (Sub-No. 82)(M1)(notice of filing of petition to broaden commodity description), filed November 23, 1977. Petitioner: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Petitioner's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Petitioner holds a motor *common carrier* certificate in No. MC 113434 (Sub-No. 82), acquired from Dubose Trucking Co., Inc. (MC 135065 (Sub-No. 7), in MC-F-13010), authorizing transportation of *Book Pages,* from Versailles, Ky. to Chicago, Ill., and from Hammond, Ind. to Versailes, Ky., restricted to the transportation of Traffic originating at the plantsites of Rand McNally and Co., at or near Versailles, Ky. and Hammond, Ind. By the instant petition, petitioner seeks to change the commodity description to read: *Printed matter.*

No. MC 113678 (Sub-No. 407) (M1) (notice of filing of petition to modify territorial description), filed October 13, 1977. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 407) issued December 9, 1971, authorizing transportation, over irregular routes, of restaurant *equipment, materials, and supplies,* (except foodstuffs), when moving in mixed loads with foodstuffs (otherwise authorized), from the facilities of Mr. Steak, Inc., at Denver, Colo., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the above-named facilities and destined to Mr. Steak restaurants (which are publicly so designated) in the above-named destination area. By the instant petition, petitioner seeks to modify the above authority by deleting the facility restrictions in the origin description, and in the restriction also.

No. MC 124211 (Sub-No. 279) (M1) (notice of filing of petition to broaden commodity), filed November 28, 1977. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, Nebr. 68101. Petitioner's representative: Thomas L. Hilt (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 124211 (Sub-No. 279), issued July 27, 1977, authorizing transportation, over irregular routes, of: *Printed Advertising matter,* between points in Pottawattam County, Iowa, and points in Dodge, Douglas, Sarpy, Saunders, and Washington Counties, Nebr. on the one hand and, on the other, points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to change the commodity description to read: *Printed matter.*

No. MC 126642 (Sub-No. 2) (M1) (notice of filing of petition to delete restriction), filed November 23, 1977. Petitioner: BLACK HILLS MOVERS, INC., 610 East Omaha Street, Rapids City, S. Dak. 57701. Petitioner's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Petitioner holds a motor *common carrier* certificate in No. MC 126642 (Sub-No. 2), issued March 3, 1976, authorizing transportation, over irregular routes, of: *Household goods,* as defined by the Commission, between points in that part of South Dakota on and west of the Missouri River, and points in Campbell, Crook, and Weston Counties, Wyo. on the one hand and, on the other, points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, restricted against the transportation of military shipments. By the instant petition, petitioner seeks to delete the above restriction.

NO. MC 133591 (Sub-No. 3) (M1) (notice of filing of petition to modify commodity description) filed October 14, 1977. Petitioner: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Petitioner's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Petitioner holds a motor *common carrier* certificate in No. MC 133591 (Sub-No. 3), issued August 5, 1976, authorizing transportation, as pertinent, over irregular routes, of *Electrical appliances, lawn care products, home care products, personal care products, barbeque grills, and barbeque equipment,* from the facilities of Neosho Products Co., Division of Sunbeam Corp., at or near Neosho, Mo., to El Paso, Tex., and points in California, Nevada, Utah, Washington, Oregon, New Mexico, Arizona, Colorado, and Idaho, restricted against the transportation of commodities in bulk. By the instant petition, petitioner seeks to modify the above authority by broadening the commodity description to read: "*Electrical applicances, electrical motors, home care products, lawn care products, personal care products, barbecue grills and barbecue equipment, recreational equipment, kitchen chairs, and household stools.*"

No. MC 134323 (Sub-Nos. 7, 59, and 81) (M1) (notice of filing of petition to add origin), filed October 11, 1977. Petitioner: JAY LINES, INC., P.O. Box 4146, Amarillo, Tex. 79105. Petitioner's representative: Gailyn L. Larsen, P.O.

Box 81849, Lincoln, Nebr. 68501. Petitioner holds motor *common carrier* permits in Nos. MC 134323 (Sub-Nos. 7, 59, and 81), issued February 10, 1972, October 17, 1975, and June 27, 1977, respectively, authorizing transportation over irregular routes, in MC 134323 (Sub-No. 7) of *Plastic materials and plastic products* (except in bulk), from points in Bergen, Camden, Middlesex, Somerset, and Union Counties, N.J., to points in Arkansas, California, Colorado, Kansas, Missouri, Nebraska, and Texas, under a continuing contract with Union Carbide Corp., of New York, N.Y.; in MC 134323 (Sub-No. 59), of *Plastic materials and plastic products* (except in bulk), from points in Bergen, Middlesex, and Somerset Counties, N.J, to points in Arizona, Idaho, Louisiana, New Mexico, Oklahoma, Tennessee, Oregon, and Washington, under a continuing contract or contracts with Union Carbide Corp., of New York, N.Y.; and in MC 134323 (Sub-No. 81), of *Chemicals* (except in bulk), from points in Camden, Middlesex, and Somerset Counties, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington, under a continuing contract or contracts with Union Carbide Corp. By the instant petition, petitioner seeks to add points in Burlington County, N.J., as origins in each of the above permits.

No. MC 135234 (Sub-No. 9) (notice of filing of petition to broaden commodity description), filed October 25, 1977. Petitioner: TRENCO, INC., 2109 Marydale Avenue, Williamsport, Pa. 17701. Petitioner's representative: Dwight L. Koerber, Jr., 666 Eleventh Street NW., Washington, D.C 20001. Petitioner holds a motor *contract carrier* permit in No. MC 135234 (Sub-No. 9), acquired from Commercial Cartage, Inc. (MC 135234 (Sub-No. 9), in MC—FC—76938), authorizing transportation of (1) *Electrical cable, and aluminum rod,* in coils, from the facilities of Alcan Aluminum Corp., at or near Williamsport, Pa., and Tucker, Ga., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, and (2) *Aluminum rod,* in coils, from the destination points named in (1) above to the facilities of Alcan Aluminum Corp., at or near Williamsport, Pa., and Tucker, Ga., restricted to the transportation of (a) commodities which by reason of size or weight require the use of special equipment or (b) commodities which do not require special equipment, because of size or weight, when moving in mixed loads with the commodities described in (a) above, under a continuing contract or contracts with Alcan Aluminum Corp., of Cleveland, Ohio. By the instant petition, petitioner seeks to change the commodity description in part (2) above to read: *Materials and supplies used in the manufacture or distribution of electric cable and aluminum rod.*

No. MC 136952 (Sub-No. 1) (M1) (notice of filing of petition to broaden territory), filed October 27, 1977. Petitioner: ADAMIC TRUCKING, INC., 15522 Rider Rd., Burton, Ohio 44021. Petitioner's representative: Lewis S. Witherspoon, Suite 930, 88 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 136952 (Sub-No. 1), issued June 27, 1973, authorizing transportation, over irregular routes, of *plastic articles,* from Middlefield, Ohio, to Galesburg, Ill., under a continuing contract or contracts with Sajar Plastics, Inc., of Middlefield, Ohio. By the instant petition, Petitioner seeks to add the destination points of Brockport, N.Y., and Bloomington, Ill.

MC 139217 (Sub No. 3) M1 (notice of filing of petition to modify a permit) filed September 27, 1977. Petitioner: CHARIOT TRUCKING, INC., 1127 Belle Pasi Road, Woodburn, Oreg. 97071. Petitioner's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Petitioner holds a motor *contract carrier* permit in MC 139317 (Sub No. 3), issued September 8, 1976, authorizing transportation over irregular routes of: (1) *Axles and component parts,* from Montgomery, Ala., Los Angeles, Calif., and Kenton, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (2) *Trailer suspensions and steel springs,* from Springfield, Mo., to Paragould, Ark., Tualatin, Oreg., and Seattle, Wash.; (3) *Fabricated steel parts, component trailer pieces, wheels, springs, axles and trailer parts,* between Paragould, Ark., and Tualatin, Oreg.; (4) (a) *Cast spoke wheels and brake drums,* from Siloam Springs, Ark., and Dayton, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (b) *Hydraulic cylinders,* from Lancaster, Tex., and Willits, Calif., to Tualatin, Oreg., and Seattle, Wash.; (c) *Steel wheels, hubs, and drums,* from Detroit, Wyandotte, and Lansing, Mich., and Akron, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (d) *Aluminum wheels,* from Cleveland, Ohio, to Tualatin, Oreg., and Seattle, Wash.; (e) *Air springs,* from Noblesville, Ind., to Tualatin, Oreg., and Seattle, Wash.; (f) *Trailer suspensions,* from Paris, Ky., and Muskegon, Mich., to Tualatin, Oreg., and Seattle, Wash.; (g) *Trailer suspensions parts,* from Warm Springs, Calif., to Tualatin, Oreg., and Seattle, Wash., under a continuing contract or contracts with Peerless Division, Royal Industries. By this instant petition, petitioner seeks to modify its permit by adding Columbia Trailer Co., Inc., as an additional contract shipper, and to add Orenco, Oreg., as additional destination point with respect to Parts 1, 2, and 4 (a through g), above, for furtherance into foreign commerce.

Republications of Grants of Operating Rights Authority Prior to Certification

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 133095 (Sub-No. 150) (Republication) filed February 18, 1977, published in the Federal Register issue of April 14, 1977, and republished this issue. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. An Order of the Commission, Review Board Number 2, decided September 29, 1977, and served October 13, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cosmetic mirrors,* from the plantsite of Lake Center Industries, located at or near Rochester, Minn., to Baltimore, Md.; Stamford, Conn.; Atlanta, Ga.; Memphis, Tenn.; Detroit, Mich.; and points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Mississippi (except Alaska, Minnesota, and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of

the Interstate Commerce Act and the Comission's rules and regulations.

The purpose of this republication is to indicate applicant's actual grant of authority and to also indicate that the application is not a conversion of existing authority as originally published.

No. MC 141045 (Sub-No. 1) (Republication) filed July 23, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished this issue. Applicant: PARK CITY COACH SERVICE, INC., 959 Main St., Stratford, Conn. 06497. Applicant's representative: John E. Fay, 630 Oakwood Ave., West Hartford, Conn. 06110. A Decision and Order of the Commission, Division 1, decided November 2, 1977, and served November 16, 1977, authorizes service, by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, of passengers and their baggage, in charter operations, beginning and ending at Bridgeport, Conn., and points within 10 miles of Bridgeport, Conn., and extending to the District of Columbia, points in Delaware, Florida, Georgia, Illinois, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and to the port of entry on the international boundary line between the United States and Canada which is located at Presque Isle, Me. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER, OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9812 (Sub-No. 8), filed November 17, 1977. Applicant: C. F. KOLB TRUCKING CO., INC., R.R. 1. Box 294, Mount Vernon, Ind. 46260. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Concrete products* (except in bulk), from the plant and warehouse sites of American Precast Concrete, Inc. at Indianapolis and Westfield, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, and Ohio, and (2) *raw materials* (except in bulk), used in the manufacture of concrete products, from points in Ohio, Virginia, and West Virginia, to the plant and warehouse sites of American Precast Concrete, Inc., at Indianapolis and Westfield, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 11207 (Sub-No. 407), filed November 9, 1977. Applicant: DEATON, INC., 317 Avenue West, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel piling and pile-driving equipment and machinery,* from Jacksonville, Fla., to points in Alabama, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Jacksonville, Fla., or Tampa, Fla.

No. MC 21227 (Sub-No. 12), filed November 2, 1977. Applicant: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, Mo. 63104. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evansville, Ind. at Mount Vernon, Ind., from Evansville, Ind. over Indiana Highway 62, to Mount Vernon, Ind., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Evansville, Ind., or St. Louis, Mo.

No. MC 41136 (Sub-No. 25), filed November 14, 1977. Applicant: FLEET CARRIER CORP., 586 South Boulevard East, Pontiac, Mich. 48053. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* in initial movements, in driveaway and truckaway service, from points in Gaston County, N.C., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 45630 (Sub-No. 5), filed November 17, 1977. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Avenue, Clifton, N.J. 07011. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide* (dry ice), in containers, from Burlington and Gibbstown, N.J., Lima and Oregon, Ohio, Tewksbury, Mass., to points in Connecticut, Massachusetts, New Jersey, and New York, and Philadelphia, Pa., and Providence, R.I., and (2) *containers on return,* from the destination points to the origin points named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 51146 (Sub-No. 545), filed November 11, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and returned empty malt beverage containers*, between South Volney, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 59640 (Sub-No. 63), filed November 21, 1977. Applicant: PAULS TRUCKING CORP., Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and sold by supermarkets, catalogue showroom stores, and homes center stores, and *equipment materials, and supplies*, used in the conduct of such businesses (except commodities in bulk), from points in Alabama, Georgia, Illinois, Iowa, Mississippi, and Wisconsin, to South Plainfield, Linden, Somerset, and Eatontown, N.J., North Berwick, Maine, Baltimore, Md., and White Plains, N.Y., under a continuing contract or contracts with Supermarkets General Corp. located at Woodbridge, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 61592 (Sub-No. 410), filed November 17, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing asphalt, in drums*, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas; and (2) *materials and supplies* utilized in the manufacture and distribution of roofing asphalt (except commodities in bulk, in tank vehicles), from points in Alabama, Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. Common control may be involved.

No. MC 69833 (Sub-No. 124), filed November 10, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue NW., 6th Floor, Grand Rapids, Mich. 49503. Applicant's representative: Harry Pohlad, 200 Monroe Avenue NW., 6th Floor, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Fremont, Mich., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 69981 (Sub-No. 15), filed November 14, 1977. Applicant: AUSTIN W. HULCHER, d.b.a. HULCHER TRUCKING, P.O. Box 167, Virden, Ill. 62690. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washing machines, dishwashers, laundry dryers, and food waste disposers*, from the facilities of the Maytag Co. at Newton, Iowa, to points in Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Wayne, White, and Williamson Counties, Ill.; and (2) *dishwashers*, from the facilities of the Maytag Co. at Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey, Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Piatt, Peoria, Pike, Rock Island, Sangamon, Scott, Shelby, Stark, Tazewell, Vermillion, Warren, Washington, Whiteside, and Woodford Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 72495 (Sub-No. 19), filed November 17, 1977. Applicant: DON SWART TRUCKING, INC., BOX 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine safety dust* from Benwood, W. Va., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 105120 (Sub-No. 16), filed November 15, 1977. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, Tenn. 38103. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, over regular routes, transporting: *General commodities* (except household goods as defined, class A and B explosives, commodities which because of size or weight require the use of special equipment and commodities in bulk), serving the plantsite of American Greetings Corp. at or near Harrisburg, Ark., as an off-route point in conjunction with its other authorized routes.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn.

No. MC 105375 (Sub-No. 73), filed November 14, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, Minn. 55055. Authority sought as a *common carrier*, over irregular routes, to transport: *Liquified petroleum gas*, in bulk, in tank vehicles, from the facilities of the Cochin Pipeline Co. located at or near New Hampton, Iowa; Mankato and Benson, Minn.; and Carrington, N. Dak., to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn. Applicant also holds contract carrier authority in MC 113410 and subs thereunder, therefore dual operations may be involved.

No. MC 105984 (Sub-No. 18), filed October 13, 1977. Applicant: JOHN B. BARBOUR TRUCKING CO., a corporation, P.O. Box 577, Iowa Park, Tex. 76361. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined in descriptions in motor carrier certificates, 61 MCC 209; (2) *Tanks, iron and steel, or aluminum, and parts, attachments, and accessories* therefor; (3) *pressure vessels and chemical process equipment*; (4) *superchangers*; and (5) *electric switch control cabinets*, from points in Wichita County, Tex., to points in the United States (except Alaska and Hawaii), and (6) *materials, supplies, and equipment* used in the manufacture, installation, and repair of the commodities named in (1) through (5) above from points in the United States

(except Alaska and Hawaii) to points in Wichita County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Ft. Worth or Dallas, Tex.

No. MC 106223 (Sub-No 71), filed November 9, 1977. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Road, P.O. Box 667, Ashtabula, Ohio 44004. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except toluene diisocyanate, cryogenic liquids and Petrochemicals), in bulk, in tank vehicles, from Ashtabula, Ohio, to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia (except to points in Kanawha County, W. Va.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, and Washington, D.C.

No. MC 106497 (Sub-No. 150), filed November 10, 1977. Applicant: PARKHILL TRUCK CO., A corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel, sewage treatment disposal plants, sewage lift stations, and parts, attachments, and accessories* used in the installation, operation, and maintenance thereof, from Nashville and Tullahoma, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Nashville or Memphis, Tenn.

No. MC 106497 (Sub-No. 151), filed November 21, 1977. Applicant: PARKHILL TRUCK CO., A corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 13, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pollution control systems, and parts, attachments, equipment, materials, and supplies* used in the installation, operation, or maintenance of pollution control systems, from points in Jefferson County, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Louisville, Ky., or Nashville, Tenn.

No. MC 106674 (Sub-No. 268), filed November 21, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batting, padding, and wadding* from Henderson, N.C., to Hammond and Lowell, Ind. Restriction: Restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Burkart-Randall Co. and destined to the plantsite and warehouse facilities of Globe Industries, Inc., at Hammond and Lowell, Ind.

NOTE.—If hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 107295 (Sub-No. 867), filed November 10, 1977. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Composition board*, from Otsego, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, Ohio.

No. MC 107323 (Sub-No. 49), filed November 16, 1977. Applicant: GILLILAND TRANSFER CO., a corporation, 7180 West 48th Street, Fremont, Mich. 49412. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Such commodities* (except foodstuffs) as are manufactured, sold, or distributed by manufacturers of baby foods, from the plantsite of Gerber Products Co., located at or near Three Oaks, Mich., to the warehouse facilities of Gerber Products Co., located at or near Indianapolis, Ind. Restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 471), filed November 16, 1977. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Food, food products and food ingredients*, in vehicles equipped with mechanical refrigeration, from the plant and storage facilities of Archer Daniels Midland Co., at Decatur, Ill., to points in Texas, Oklahoma, Kanses, Arkansas, Louisiana, and New Mexico. Restriction: Restricted to traffic originating at the above-named origin and destined to the above-named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108375 (Sub-No. 42), filed November 10, 1977. Applicant: LeROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Power generating equipment, transformers and heavy electrical equipment* which because of size or weight require the use of special equipment and related parts and accessories when moving in connection therewith; (1) between points in Nebraska; (2) between points in Iowa; (3) between points in North Dakota; (4) between points in South Dakota; (5) between points in Colorado; (6) between points in Wyoming; (7) between points in Kansas; and (8) between points in Nebraska, on the one hand, and points in Iowa, South Dakota, Kansas, Wyoming and Missouri, on the other. Restriction: Restricted in (1), (2), (3), (4), (5), (6) and (7) above to traffic having an immediately prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr. Common control may be involved.

No. MC 108375 (Sub-No. 43), filed November 21, 1977. Applicant: LeROY L. WADE & SON, INC., P.O. Box 27053, 10550 I Street, Omaha, Nebr. 68127. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical processing equipment including but not limited to reactors, tanks, compressors, pumps and motors*, between points in Nebraska, on the one hand, and, on the other, points in Iowa, Kansas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Omaha, Nebr.

No. MC 108649 (Sub-No. 9), filed November 7, 1977. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, Ill. 61614. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and

B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of L. R. Nelson Corp. located at Manning, Iowa as an off-route point in connection with carrier's authorized routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Des Moines, Iowa.

No. MC 108676 (Sub-No. 113), filed November 9, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Bill R. Privitt, P.O. Box 3507, Knoxville, Tenn. 37917. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Racks and Shelving,* from the plantsite of UNARCO, located at Springfield, Tenn., to points in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that the hearing be held in Nashville or Knoxville, Tenn.

No. MC 109397 (Sub-No. 371), filed November 15, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tires and related accessories, equipment and supplies,* when the transportation thereof is incidental to the transportation of tires, from points in Los Angeles County, Calif.; Multnomah County, Oreg.; King County, Wash.; and Harris and Galveston Counties, Tex.; to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif. or Portland, Oreg.

MC 109397 (Sub-No. 372), filed November 10, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Plywood and composition board,* from points in Randolph County, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Atlanta, Ga. or Birmingham, Ala.

No. MC 112617 (Sub-No. 379), filed November 10, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *salt and salt products,* from the facilities of Cargill, Inc. located at or near Clarksville, Ind. to points in Indiana, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C. Common control may be involved.

No. MC 113024 (Sub-No. 153), filed November 21, 1977. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought as a *contract carrier* by motor vehicle, over irregular routes, transporting: (a) *Garden and industrial hose, and materials and supplies* used in the manufacture and distribution thereof, between Cornwells Heights, Pa., on the one hand, and, on the other, Olney, Tex., Alliance and McCook, Nebr., (b) *synthetic yarn,* from Front Royal, Va. to Alliance and McCook, Nebr., (c) *steel wire,* from Mt. Joy, Pa., to Alliance, Nebr.; and (d) *uncured rubber,* in cartons, from Elizabeth, N.J., to McCook, Nebr., under a continuing contract with Electric Hose & Rubber Co.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 113362 (Sub-No. 312) (Correction), filed September 19, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished, as corrected, this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, Minn. 55912. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing plants* (except hides and commodities in bulk), from the plantsite and/or storage facilities of Geo. A. Hormel & Co. at or near Springfield, Mo., to points in Wisconsin and the upper Michigan peninsula. Restricted to traffic originating at the named origin and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

The purpose of this republication is to correct the spelling of applicant's name as "ELLSWORTH FREIGHT LINES, INC." in lieu of "ELLISWORTH" as previously published.

No. MC 113362 (Sub-No. 313), filed November 21, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 429, Austin, Minnesota 55912. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: Part No. 1. *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk) *and filters:* from points in Marion County, Tenn.: to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and District of Columbia. Restriction: Restricted to traffic originating at points in Marion County, Tenn. Part No. 2. *Materials, supplies, and equipment used in the manufacture, sale and distribution of the commodities named in part No. 1 above* (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn. Restriction: Restricted to traffic destined to points in Marion County, Tenn. Part No. 3. *Petroleum and petroleum products vehicle body sealer and/or sound deadener compound* (except in bulk) *and filters,* from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia to points in Marion County, Tenn. Restriction: Restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 113651 (Sub-No. 244), filed November 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Riggin Road, P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle Street, Suite No. 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* as described in Sections A, B, and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk; from

Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, N.J.; New York, N.Y.; and Philadelphia, Pa., to points in Michigan; Minnesota; Iowa; Wisconsin; Nebraska; Illinois north of U.S. Highway 136 and points in Tennessee east of U.S. Highway 231.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at New York City, N.Y.

No. MC 114118 (Sub-No. 7), filed November 18, 1977. Applicant: MARSHALL McFARLAND, 145 Neville Street, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and health products* used in the care and maintaining of animals and poultry, between Circleville, Ohio on the one hand and, on the other, points in Pennsylvania, West Virginia, Maryland, Kentucky, Indiana, and Michigan, under a continuing contract or contracts with Carnation Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Ohio, or Washington, D.C.

MC 114273 (Sub-No. 312), filed November 21, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and Steel forms* and *parts and accessories* used in the installation thereof when moving in the same vehicle at the same time with iron and steel forms, from the plantsite and storage facilities of Economy Forms Corp. at or near Des Moines, Iowa to Connecticut, Delaware, Indiana, Maryland, Maine, Michigan, New Hempshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and Wisconsin. Restricted to traffic destined to the above-named states.

NOTE.—Applicant states it is presently providing a limited service for the supporting shipper.

The purpose of this application is to eliminate the interline carrier and provide a more complete service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC. 114457 (Sub-No. 341), filed November 17, 1977. Applicant: DART TRANSIT CO., a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs,* from plant and warehouse facilities of the Green Giant Co., located at or near Belvidere, Ill., to points in Indiana, Kentucky, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 114569 (Sub-No. 201), filed November 16, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* used by, dealt in, or distributed by wholesale or retail grocery, department, drug and variety stores and institutional supply firms; and (2) *supplies and materials* used in the manufacture and sale of such merchandise described in (1) above, between Byhalia, Miss. on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 115311 (Sub-No. 249), filed November 14, 1977. Applicant: J. & M. TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Air conditioners, air coolers, air conditioning equipment, heaters, furnaces, heating equipment, water heaters, hydropneumatic tanks, water heater tanks, solar collectors, solar heating and cooling systems, and parts and accessories* for all of the aforementioned commodities, from the plantsite and warehouse facilities of Rheem Manufacturing Co. located at Montgomery and Greenville, Ala., and at or near Fort Smith, Ark., and Chicago, Ill., to points in the United States in and east of Texas, Oklahoma, Colorado, Nebraska, South Dakota, and North Dakota, and; (2) *Materials, equipment and supplies* used in the manufacturing, distribution, and installation of all of the commodities named in (1) above (except commodities in bulk), from points in the United States in and east of Texas, Oklahoma, Colorado, Nebraska, South Dakota, and North Dakota, to the plantsite and warehouse facilities of Rheem Manufacturing Co. at Montgomery and Greenville, Ala., and at or near Fort Smith, Ark., and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 115496 (Sub-No. 73), filed November 10, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes in the transportation of, *plastic, plastic articles, plastic pipe, tubing, fittings, connections, and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk and tank vehicles), between the facilities utilized by Robintech, Inc. located at or near Vestal, N.Y., Anderson, S.C. and Springfield, Ky. on the one hand and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 274), filed September 16, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 Terminal Annex, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by Motor Vehicle, over irregular routes, transporting: *Carpets, carpeting, rugs, floor covering, textiles, and textile products:* from points in Georgia, North Carolina, South Carolina, Tenn., and Virginia, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held at Denver, Colo. and Los Angeles, Calif., or San Francisco, Calif. Common control may be involved.

No. MC 115841 (Sub-No. 574), filed November 17, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC. Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from the plantsite and warehouse facilities utilized by Banquet Foods Corp., located at or near Carrollton, Macon, Marshall, and Moberly, Mo., to points in Alabama, Kentucky, Tennessee, Georgia, North Carolina, and South Carolina. Restriction: Restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant

requests that it be held at Nashville, Tenn., or Washington, D.C.

No. MC 115904 (Sub-No. 86), filed November 10, 1977. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Gypsum wallboard,* from Hamlin and San Antonio, Tex. and Albuquerque, N. Mex., to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho. Common control may be involved.

No. MC 116544 (Sub-No. 159), filed November 8, 1977. Applicant: ALTRUK FREIGHT SYSTEMS, a Corporation, P.O. Box 1159, St. Joseph, Mo. 64502. Applicant's representative: Kirk W. Horton, 260 Sheridan Avenue, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc., at or near Wallula, Wash., to points in California and Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 117088 (Sub-No. 11), filed November 21, 1977. Applicant: ASPHALT TRANSPORT, INC., P.O. Box 29504, New Orleans, La. 70189. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Drilling mud,* in bulk, in tank vehicles, from Galveston and Houston, Tex., to Cameron, La.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either New Orleans or Baton Rouge, La.

No. MC 117686 (Sub-No. 189), filed November 15, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Applicant seeks authority to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen foods and commodities in bulk), from the plantsite of Joan of Arc Company, Inc., at or near St. Francisville and Belledeau, La., to Montana, Wyoming, Colorado, New Mexico, Washington, Idaho, Oregon, Utah, Nevada, California, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Washington, D.C.

No. MC 117940 (Sub-No. 239), filed November 7, 1977. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as apllicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such Commodities* as are dealt in or used in the operation of retail department stores (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from points in the St. Louis, Mo. Commercial Zone and the Chicago, Ill. Commercial Zone, to the facilities of Nordstrom, Inc., at Tukwila, Wash., and the stores of Nordstrom, Inc., at Seattle, Tacoma, Yakima, Spokane, Bremerton, Bellingham, and Bellevue, Wash., restricted to traffic originating at named origin points and destined to the specified facilities at named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash. Applicant holds contract carrier authority in MC 114789 Sub 16, and other subs thereunder, therefore dual operations may be involved.

No. MC 117940 (Sub-No. 241), filed November 14, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods* from the facilities of Oregon Fruit Products at or near Salem and West Salem, Oreg., to the District of Columbia, and points in Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Maryland, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and Louisville, Kentucky, (restricted to traffic originating at the facilities of Oregon Fruit Products at named origins and destined to named destinations).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash. or San Francisco, Calif. Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16) and other subs thereunder, therefore dual operations may be involved.

No. MC 117986 (Sub-No. 4), filed November 7, 1977. Applicant: ALFRED DELUCA, d.b.a. GILBERT AND AL TRANSFER, 8605 Howell Road, Bethesda, Md. 20034. Applicant's representative: Alfred DeLuca (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Bananas, plantain, pineapples,* and *fruits,* from Charleston, S.C., to the District of Columbia and its commercial zone, and points in Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 118159 (Sub-No. 232), filed November 15, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Paper* and *paper products* (except commodities in bulk), from Medina, Ohio to points in Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia; and (2) *materials and supplies* used in the manufacture and distribution of paper and paper products, and paper (except commodities in bulk) from points in Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Louisiana, Alabama, Mississippi, Arkansas, Kentucky, Texas, and the District of Columbia to Medina, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 118377 (Sub-No. 7), filed November 16, 1977. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by food business houses, from points in Massachusetts, New Jersey, and Pennsylvania, to points in Albany, Rensselaer, Onondaga, Franklin and Chemung Counties, N.Y.

NOTE.—If a hearing is deemed necessry, applicant requests that it be held at Albany, N.Y.

No. MC 118989 (Sub No. 170), filed November 14, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Plastic containers,* (a) from Lockport, Ill. to points in the United States (except Alaska and Hawaii); (b) from Cabery, Ill., to points in the United States (except

Alaska and Hawaii); and (c) from Elk Grove Village and Hebron, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies,* used or useful in the manufacture and distribution of plastic containers, from points in the United States (except Alaska and Hawaii), to the origin points in (a), (b) and (c) of Part (1).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119547 (Sub-No. 48), filed November 21, 1977. Applicant: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, Ohio 43701. Applicant's representative: E. H. van Deusen, Post Office Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rolling doors, grilles and components and parts thereof,* from the plantsite of the Kinnear Division of Harscho Corp., Columbus, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Columbus, Ohio.

No. MC 119789 (Sub-No. 387), filed November 10, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Transformers and parts* (except commodities which because of size and weight require the use of special equipment) from Pine Bluff, Ark., to Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, Ark.

No. MC 119789 (Sub-No. 388), filed November 10, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Furnaces; air conditioners;* furnaces and air conditioners combined; and parts thereof between Utica, N.Y., on the one hand, and, on the other, points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Antonio or Dallas, Tex.

No. MC 119789 (Sub-No. 391, filed November 18, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material* from Ft. Worth, Tex. to Macon, Albany and Valdosta, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Macon or Atlanta, Ga.

No. MC 119789 (Sub-No. 392), filed November 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Eden, N.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, Louisiana, Tennessee, and Texas; (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers, (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, Mississippi, Louisiana, Tennessee, and Texas, to Eden, N.C.; (3) *malt beverages and related advertising materials* between Eden, N.C., and Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 119789 (Sub-No. 395), filed November 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex.75222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except frozen) from the bakery plant and bakery warehouse of the Kroger Co. at Columbus, Ohio to points in California and Georgia, (2) *such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* and materials and supplies used in the conduct of such business (except commodities in bulk) between Cincinnati, Ohio, and Livonia, Mich., on the one hand, and, on the other, points in Arkansas, California, Georgia, and Texas. Restricted to the transportation of shipments originating at or destined to the facilities of The Kroger Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Cincinnati, Ohio.

No. MC 123048 (Sub-No. 379), filed November 15, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Post Office Box 1557, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Grain Drying, Storage, Handling, Conditioning and Aeration Equipment and Attachments, Accessories and Parts,* from Mattoon, Ill., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of commodities in (1) above, from points in the United States (except Alaska and Hawaii) to Mattoon, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held either at Chicago, Ill. or Washington, D.C.

No. MC 123255 (Sub-No. 129), filed November 16, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *Common Carrier* by motor vehicle over irregular routes transporting: *Plastic products* (except commodities in bulk), from Seymour, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123534 (Sub-No. 6), filed November 15, 1977. Applicant: ADDIEVILLE TRUCKING CO., INC., 22 Dennis Drive, Belleville, Ill. 62221. Applicant's representative: Gregory M. Rebman, Suite 1230 Marquette Building, 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Milk, dairy products, and food stuffs and ice cream:* (1) from St. Louis, Mo., to Hammond and Westville, Ind., and (2) from Huntington, Indiana, Peoria, and Champaign, Ill., to St. Louis, Mo., under a continuing contract with Kraft Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 123819 (Sub-No. 50), filed November 14, 1977. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hides,* from Miami. Fla., to points in the United States (excluding Alaska, Hawaii, and Memphis, Tenn., and points within its commercial zone).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 124083 (Sub-No. 55), filed November 21, 1977. Applicant: SKIN-

NER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* from the facilities of Cargill, Inc., at or near Clarksville, Ind., to points in Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 124887 (Sub-No. 42), filed November 9, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Composition Board, Plywood, and Plywood Wall Paneling,* from Norfolk, Va., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 124887 (Sub-No. 45), filed November 17, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from Georgetown, Rock Hill, and Andrews, S.C., and Wilmington, N.C., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 124896 (Sub-No. 40) filed November 21, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Kansas City, Kans., to points in Mississippi, Alabama, Georgia, Tennessee, Kentucky, Louisiana, North Carolina, South Carolina, Florida, West Virginia, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City or St. Louis, Mo.

No. MC 125433 (Sub-No. 133) filed November 11, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *forklifts, parts, accessories, attachments and supplies,* between Fresno, Calif. on the one hand and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant requests that the hearing in regard to this application be consolidated with a similar application filed by International Transport, Inc., under Docket No. MC 113855 (Sub-No. 382), but does not specify a location.

No. MC 125533 (Sub-No. 19), filed November 21, 1977. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, Ohio 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Pipe, cable, conduit, wire and strip steel and attachments therefor,* between the plantsite of Triangle PWC, Inc., Glendale (Marshall County), W. Va. on the one hand and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Columbus, Ohio.

No. MC 126111 (Sub-No. 8), filed November 15, 1977. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING CO., 520 Sullivan Drive, Fond du Lac, Wis. 54935. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier,* by motor vehicle over irregular routes, transporting: *Sweetened condensed milk,* in bulk, in tank vehicles, from Fond du Lac, Wis., to Elizabethtown, Pa., and Dallas, Sulphur Springs, and Waco, Tex., under a continuing contract or contracts with Galloway-West Co., a division of Borden, Co., Inc., located at Fond du Lac, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis.

No. MC 126383 (Sub-No. 5), filed November 11, 1977. Applicant: G&W TRANSPORT, INC., 465 East Diamond Avenue, Gaithersburg, Md. 20760. Applicant's representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier,* by motor vehicle over irregular routes, transporting: *animal and poultry feed* (except in bulk), from Lancaster and Everson, Pa., to Gaithersburg, Md., under a continuing contract or contracts with Wayne Feeds, Division of Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 126844 (Sub-No. 44), filed November 16, 1977. Applicant: R.D.S. TRUCKING CO, INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Malt beverages,* from the facilities of the Pabst Brewing Co., located at points in Houston County, Ga., to Camden, Vineland, Trention, and Atlantic City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 127042 (Sub-No. 194), filed November 14, 1977. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coatings, adhesives, tape, sound deadeners, caulking and sealing compounds, glue and paint* (except in bulk) in vehicles equipped with mechanical refrigeration, from Wichita, Kans. to points in Iowa, Minnesota, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127047 (Sub-No. 31), filed November 15, 1977. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kans. 67219. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plywood, particleboard, hardboard, mouldings, plastic articles and the accessories used in the installation thereof,* from the plant and storage facilities of Weyerhaeuser Co. located in Chesapeake, Va., to the states of Nebraska, Kansas, Missouri, and Oklahoma, and to Shreveport, La., and Carrollton, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

Docket No. MC 128313 (Sub-No. 7), filed November 14, 1977. Applicant: TEMPO TRUCKING, INC., R.F.D.

No. 5, Washington C.H., Ohio 43160. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Applicant seeks authority, as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of: (1) *Fresh and processed pork, and porkskins,* from the plantsites of Sugar Creek Packing Co., Inc. located at or near Dayton, Ohio and Bloomington, Ill. to points in the United States (except Alaska, Arizona, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, Wyoming, and the District of Columbia); and (2) *meats, meat products, and meat by-products,* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except commodities in bulk) from points in Iowa, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, Pennsylvania, Virginia, and West Virginia, to the plantsites of Sugar Creek Packing Co., at or near Dayton, Ohio and Bloomington, Ill., under a continuing contract, or contracts, with Sugar Creek Packing Co., Inc.

NOTE.—If oral hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 129631 (Sub-No. 58), filed November 9, 1977. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West St., Salt Lake City, Utah 84107. Applicant's representative: G. D. Davidson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Urethane foam boards* (except commodities in bulk) from Salt Lake City, Utah to points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134405 (Sub-No. 42), filed November 21, 1977. Applicant: BACON TRANSPORT CO., a corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Bayrite,* in bulk, in tank vehicles, from Houston, Texas to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 134467 (Sub-No. 25), filed November 21, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 75764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters,* from points in Marion County, Tenn., to points in and west of Minnesota, South Dakota, Nebraska, Missouri, Arkansas, and Texas, restricted to traffic originating at points in Marion County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Atlanta, Ga.

No. MC 134752 (Sub-No. 4) (Correction), filed September 27, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished this issue. Applicant: HILL AND WILLIAMS BROS., INC., 799 44th Street, Marion, Iowa 52302. Applicant's representative: Delbert L. Williams, (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Expanded cellular plastic products* from Marion, Iowa to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin, and Wyoming; and equipment, materials and supplies used in the manufacturing of expended cellular plastic products from said destination states to Marion, Iowa, under a continuing contract, or contracts, with Poly Cell Industries, Inc.

NOTE.—The purpose of this republication is to include Oklahoma as a destination state. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Kansas City, Mo.

No. MC 134755 (Sub-No. 123), filed November 21, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: I. Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters, from points in Marion County, Tenn., to points in Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, Nebraska, Iowa, New Mexico, Arizona, California, Washington, Oregon, Utah, Nevada, Illinois, Indiana, Wisconsin, Minnesota, and Michigan, restricted to traffic originating at points in Marion County, Tenn.; II. Material, supplies and equipment used in the manufacture, sale and distribution of the commodities named in Part I above (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; III. Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound (except in bulk) and filters, from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—Applicant holds motor contract carrier authority in MC-138398 and subnumbers thereunder, therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Atlanta, Ga.

MC 134888 (Sub-No. 5), filed November 14, 1977. Applicant: MOROSA BROS. TRANSPORTATION CO., INC., 4800 Stine Road, Bakersfield, Calif. 93309. Applicant's representative: R. Y. Schureman, Suite 606, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Calcined fluid petroleum coke,* in bulk, from the plantsite of IMC Carbon Products at or near Bakersfield, Calif., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136123 (Sub-No. 1) (Amendment), filed September 1, 1977, published in the FEDERAL REGISTER issues of October 14, 1977, and November 3, 1977, as amended, and republished, as further amended, this issue. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from Port Edwards, Wisconsin Rapids, Brokaw, Green Bay, Nekoosa, and Stevens Point, Wis., to Rochester, N.Y.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128555, and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to delete Ashdown, Ark., as an origin, and to add Nekoosa and Stevens Point, Wis., as origins in the above-requested authority.

No. MC 136828 (Sub-No. 20), filed November 16, 1977. Applicant: COOK TRANSPORTS, INC., Highway 79 Gilmer Industrial Park, P.O. Drawer D, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: (1) *Pipe; conduit; fittings; valves; hy-*

drants; from points in Talladega, Calhoun, and Jefferson Counties, Ala., to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials and supplies,* used in, or in connection with, the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Talladega, Calhoun, and Jefferson Counties, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 138000 (Sub-No. 34), filed November 21, 1977. Applicant: ARTHUR H. FULTON, INC., Post Office Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials* from Eden, N.C., to points in Maryland, Virginia, West Virginia, and the District of Columbia; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers,* (except commodities in bulk), from points in Maryland, Virginia, West Virginia and the District of Columbia to Eden, N.C.

NOTE.—Applicant holds motor carrier contract authority in No. MC 129613 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, Wis.

No. MC 138073 (Sub-No. 1), filed November 7, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: General commodities, restricted to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forewarders, between points in (1) Niagara, Erie, Chautauqua, Orleans, Genesee, Wyoming, Cattaraugus, Monroe, Livingston, Allegany, Wayne, Ontario, Stueben, Cayuga, Seneca, Yates, Schuyler, Chemung, Oswego, Onondaga, Cortland, Tompkins, Tioga, and Broome Counties, N.Y., (2) Erie, Crawford, Mercer, and Venango Counties, Pa.; and (3) Geauga, Ashtabula, Trumbull, Portage, Mahoning, Cuyahoga, and Lake Counties, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Buffalo, N.Y. Common control may be involved.

No. MC 139014 (Sub-No. 2), filed November 18, 1977. Applicant: COHEY TRUCKING CO., INC., 3015 Vermont Avenue, Baltimore, Md. 21227. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425, 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: Suspension ceiling grid systems and components, from the plantsite of Chicago-Metallic Corp., at Baltimore, Md., to the District of Columbia, Virginia, New Jersey, New York, Pennsylvania and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Baltimore, Md.

No. MC 139615 (Sub-No. 9), filed November 21, 1977. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials* (except in bulk), and (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), between Lansing, Grand Rapids, Petoskey, Holland, and Detroit, Mich., Chicago, Blue Island, and Joliet, Ill., Kokomo, Fort Wayne, North Judson, Cicero, and Elkhart, Ind., Columbus and Toledo, Ohio, and Milwaukee, Wis., on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, between Cabot and Nazareth, Pa., and North Arlington, N.J., on the one hand, and on the other, points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California, between Denver, Colo., Albuquerque, N. Mex., Newton, Kans., Centerville and West Des Moines, Iowa, on the one hand, and, on the other points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 140829 (Sub-No. 63), filed November 16, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant site and storage facilities utilized by La Choy Food Products, at or near Archbold, Ohio, to points in Arkansas, Louisiana, Oklahoma, and Texas, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136403 Sub 7, and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 140849 (Sub-No. 14), filed November 14, 1977. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley, P.O. Drawer G, Poteau, Okla. 74953. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fabrics, piece goods, materials and supplies used in the manufacture of clothing,* (2) clothing, from (1) Pauls Valley and Idabel, Okla., to Roswell, Ga., Hopkinsville, Ky., and Nashville, Tenn., (2) from Roswell, Ga., Hopkinsville, Ky., and Nashville, Tenn., to Pauls Valley, Okla., and Idabel, Okla., under a continuing contract or contracts with Kellwood Co.

NOTE.—Applicant holds common carrier authority in MC 126243 Sub 8, and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 143097 (Sub-No. 1), filed November 18, 1977. Applicant: EGGS INC., 27 East Square, Washington, Ga. 30673. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Applicant hereby applies for authority to engage in operation, in interstate or foreign commerce, as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of *malt beverages* (except in bulk) from Fort Worth, Tex., to Fort Smith, Ark. and Hot Springs, Ark., under a continuing contract, or contracts, with Frasier Sales Co. and Burford Distributing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark., or Fort Smith, Ark.

No. MC 143514 (Sub-No. 1), filed November 14, 1977. Applicant: ROBERT L. WELBORN AND WANDA S. WEL-

BORN, a partnership, doing business as ORIENT EXPRESS, 4322 West Greenway Road, Glendale, Ariz. 85306. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Restaurant and institutional food, supplies, and equipment,* between points in Arizona, Nevada, and California, under a continuing contract or contracts with International Foodservice Corp., at Los Angeles, Calif., and its subsidiaries: International Foodservice/Bakersfield, Inc., at Bakersfield, Calif., International Foodservice/Fresno, Inc., at Fresno, Calif., International Foodservice/Las Vegas, Inc., at Las Vegas, Nev., International Foodservice/LA., Inc., at Carson, Calif., and Davidson-Chudacoff/Kol-Pak Arizona, Inc., at Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 143587 (Sub-No. 1), filed August 1, 1977. Applicant: SOUTHERN PAPER STOCK CO., a corporation, P.O. Box 622, Spartanburg, S.C. 29304. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard,* from the facilities of Union Camp Corp., at or near Prattville, Ala., to the facilities of Union Camp Corp., at or near Spartanburg, S.C., and *waste or scrap paper,* from Spartanburg, S.C., to the facilities of Union Camp Corp., at or near Prattville, Ala. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Union Camp Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 143642 (Sub-No. 1), filed November 9, 1977. Applicant: J. A. K. LEASING, INC., P.O. Box 1323, Bellingham, Wash.) 98225. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shakes and shingles, from points in Washington to points in California.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Seattle, Wash.

No. MC 143719 (Sub-No. 2), filed November 21, 1977. Applicant: GROVER BISHOP WIGINGTON, R.F.D. No. 5., Stuart, Va. 24171. Applicant's representative: (Same). Applicant hereby seeks authority to operate as a *common carrier,* over irregular routes, transporting: *Unfinished rubber sheets* from the plantsite of Easthampton Rubber Thread Co., Division of J. P. Stevens & Co., Inc., located at or near Stuart, Va., to the plantsite of the United Elastic Co., Division of J. P. Stevens & Co., Inc., located at or near Westfield, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Roanoke or Richmond, Va.

No. MC 143815 (Sub-No. 1), filed November 15, 1977. Applicant: R & D TRUCKING CO., INC., Church Street, Lauderdale Industrial Park, Florence Ala. 35630. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Composition facing and flooring tile, machinery, materials, and supplies* used in the manufacture of the above commodities, between the facilities of Natural Vinyl Floor Co., Inc., near Killen, Ala., on the one hand, and points in the United States (excluding Alaska and Hawaii) on the other, under a continuing contract or contracts with Natural Vinyl Floor Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Florence, Ala., or Nashville, Tenn.

No. MC 143900 (Sub-No. 1), filed November 21, 1977. Applicant: HEAVY MACHINERY & TOOL TRANSPORTERS, INC., P.O. Box 605, Orange Park, Fla. 32073. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, in the transportation of: (1) *Heavy machinery,* and (2) *parts and attachments,* between Jacksonville, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract, or contracts, with Ring Power Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 143971 (Sub-No. 1), filed November 10, 1977. Applicant: JESSEE TRUCKING CO., INC., Route 1, P.O. Box 100 Dryden, Va. 24243. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Surface mining, earthmoving, and construction equipment,* (a) from Norton, Va., to points in Pike, Harlan, Letcher, and Bell Counties, Ky.; and Greenbrier, Summers, McDowell, Pocahontas, Mingo, Monroe, Mercer, Wyoming, and Logan Counties, W. Va., (b) from Wise, Va., to points in Greenbrier, Summers, McDowell, Pocahontas, Mingo, Monroe, Mercer, Wyoming, and Logan Counties, W. Va.; and Pike, Harlan, Leslie, Johnson, Knott, Letcher, Bell. Pery, Floyd, and Knox Counties, Ky.; and (c) from Kingsport, Tenn., to points in Scott, Wise, Buchanan, Tazewell, Smyth, Pulaski, Washington, Lee, Dickenson, Russell, Wythe, and Roanoke Counties, Va., and Bristol, Va., under continuing contract or contracts with Shelton-Witt Equipment Corp., Power Equipment Co., and Carter Machinery Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Norton, Va., or Washington, D.C.

No. MC 143991 (Sub-No. 1), filed November 21, 1977. Applicant: BICENTENNIAL TRANSPORT, INC., 317 North Point Road, Baltimore, Md. 21224. Applicant's representative: William J. Little, 1212 W. R. Grace Building, Baltimore, Md. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Containers, container chassis and trailers;* (2) *general commodities* (except commodities of unusual value, commodities requiring special equipment, commodities in bulk, classes A and B explosives), between points in the commercial zone and terminal area of Baltimore, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Baltimore, Md., or Washington, D.C.

No. MC 143997, filed November 8, 1977. Applicant: WESTERN EXPRESS, INC., 2920 131st Place NE., Bellevue, Wash. 98005. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix 1 to report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities utilized by Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Wallula, Wash., to points in Oregon, Nevada, and California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 144024 (Sub-No. 1), filed November 14, 1977. Applicant: BURGE, INC., 17 North Cox Street, Middletown, Del. 19709. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lime,* in bulk,

from points in Lancaster County, Pa., to Townsend, Del., under a continuing contract or contracts with Ralph G. Faries & Son.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C. Applicant holds common carrier authority in No. MC 128614, therefore dual operations may be involved.

BROKERS

No. MC 130398 (Sub-No. 1), filed December 13, 1977. Applicant: RIDGE TRAVEL AGENCY, INC., 151 East Center Street, Sebring, Fla. 33870. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Sebring, Lake Placid, and Avon Park, Fla., to sell or offer to sell the transportation, by motor vehicle: *passengers and their baggage*, individually or in groups, in special and charter operations, in sightseeing and pleasure tours, between points in the United States, including Alaska and Hawaii, restricted to tours originating and terminating in Brevard, Lake, Orange, Seminole, Volusia, Highlands, and Pinellas Counties, Fla.

NOTE.—Applicant presently holds authority in MC 130398 authorizing broker operations at Sebring, Lake Placid, and Avon Park, Fla., and broker activities beginning and ending at points in Highlands County, Fla. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Orlando, Fla.

No. MC 130467, filed November 18, 1977. Applicant: DORRIS AND PAMELA BRENNER, a partnership, d.b.a. BRENNER TOURS, Route No. 1, 132nd Avenue, Hopkins, Mich. 49328. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Hopkins, Mich., to sell or offer to sell the transportation of: *Passengers and their baggage*, in round-trip sightseeing and pleasure tours, in special and charter bus operations and travel to be rendered under arrangement between motor, rail, and water carriers, beginning and ending at points in Allegan and Ottawa Counties, Mich., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lansing or Grand Rapids, Mich.

No. MC 130468, filed November 25, 1977. Applicant: SUMMER SITES, INC., 95 Phillips Hill Road, New City, N.Y. 10956. Applicant's representative: Morton Levine (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New City, N.Y., to sell or offer to sell the transportation of: *Passengers and groups of passengers and their baggage*, in special and charter operations, in round-trip sightseeing, pleasure, and educational tours, by motor, beginning and ending at points in Rockland County, N.Y., and Bergen County, N.J., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either New City or New York, N.Y.

FREIGHT FORWARDER

No. FF 434 (Sub-No. 3), filed December 1, 1977. Applicant: TRANSCONEX, INC., 3000 Northwest 74th Avenue, Miami, Fla. 33148. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate and foreign commerce, as a *freight forwarder*, through the use of the facilities of common carriers by rail, motor, water, and express, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods, motor vehicles, commodities in bulk, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration), in containers or van-type trucks or trailers, from the Ports of Miami and Jacksonville, Fla., to points in the commercial zones and terminal areas of Miami and Jacksonville, Fla., restricted to the transportation of shipments having an immediately prior movement by water and air from a point beyond the United States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Miami, Fla.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to section 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240), and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13449. Authority sought for purchase by PRESTON TRUCKING CO., INC., 151 Easton Boulevard, Preston, Md. 21655, of the operating rights of Paul McClain, d.b.a. Eddy Truck Line, 201 Fowler Street, Kirksville, Mo. 63501, of control of such rights through the transaction. Applicants' representative: Frank V. Klein, 151 Easton Boulevard, Preston, Md. 21655. Operating rights sought to be purchased: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Kirksville, Mo., and Quincy, Ill.: From Kirksville over Missouri Highway 6 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, and return over the same route. Service is authorized to and from all intermediate points on westbound traffic only. *General commodities*, with exceptions, as a *common carrier*, over regular routes between Brashear, Mo., and Quincy, Ill.: From Brashear over Missouri Highway 6 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Quincy, and return over the same routes. Service is authorized to and from intermediate points, and the off route points of Baring, Locust Hill, Novelty, Plevna, and Newark, Mo., and points in Missouri within 15 miles of Missouri Highway 6 between Brashear and Taylor, Mo. Vendee is authorized to operate as a *common carrier*, in Maryland, New York, Delaware, New Jersey, Virginia, Pennsylvania, the District of Columbia, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Ohio, West Virginia, North Carolina, Indiana, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13452. Authority sought for control by WILLIAM J. BURNS (noncarrier), 631 Santa Fe, Kansas City, Mo. 64101, of Stewart Motor Freight, Inc., 1508 Woodsweather Road, Kansas City, Mo. 64101, and for acquisition by William J. Burns, 631 Santa Fe, Kansas City, Mo. 64101, of control of Stewart Motor Freight, Inc., through the acquisition by William J. Burns. Applicants' attorney: Charles J. Fain, 612 Central Trust Building, P.O. Box 853, Jefferson City, Mo. 65101. Operating rights sought to be controlled: Under a certificate of Registration in Docket No. MC 121030 (Sub-No. 1), as follows: Intrastate irregular route: Between Lawson, Mo., and its contiguous trade territory on the one hand and, all points in Missouri on the other hand, in the transportation of *property*, except as noted, subject to the limitation that no service is to be rendered between points on the regular route of an authorized motor carrier. Exception: The authority herein described does not include the transportation of uncrated household goods as defined by the Missouri Public Service Commission in its Order in Case No. T-504, et al., dated July 1, 1955.

William J. Burns holds no authority from this Commission. However, William J. Burns is the owner and operator of BTL, Inc., a motor vehicle common carrier under the jurisdiction of the Interstate Commerce Commission and is authorized to operate in Missouri, Kansas, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13456. Authority sought for control by RALPH J. MACDONALD, an individual, 586 South Boulevard East, Pontiac, Mich. 48056, of Boss Linco Lines, Inc., 3909 Genesee Street, Cheektowagn, N.Y. 14225, of control of such rights through the transaction. Applicant's representatives: Jack Goodman, 39 South LaSalle Street, Chicago, Ill. 60603, and Richard E. Garley, Novo Corp., 31 West 53d Street, New York, N.Y. 10019. Operating rights sought to be controlled: *General commodities* with exceptions, as a *common carrier*, primarily over regular routes, in the states of New York, Maryland, New Jersey, Pennsylvania, Virginia, Delaware, Connecticut, Massachusetts, Ohio, West Virginia, Rhode Island, and the District of Columbia. Ralph J. MacDonald holds no authority from this Commission. However, he is the sole stockholder of Fleet Carrier Corp. Fleet Carriers Corp. is a common carrier authorized to operate in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13460. Authority sought for the purchase by ROGERS TRUCK LINES, INC., Box 125, Webster City, Iowa 50595, of the operating rights of Logan Trucking, Inc., 801 Erie Avenue, Logansport, Ind. 46947, and for the acquisition by Clifton Rogers, Box 125, Webster City, Iowa 50595, and Keith Johansen, Box 125, Webster City, Iowa 50595, of control of such rights through purchase. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center Des Moines, Iowa 50309. Operating rights sought to be transferred are issued under Docket No. MC 135236, as a common carrier authority over irregular routes as follows: *Malt beverages* from Trenton, N.J., to points in Ohio, Kentucky, Indiana, Michigan, Illinois, and Wisconsin; *malt beverages* from Baltimore, Md., to points in Kentucky; *Wine* from Carlstadt, N.J., to points in Michigan; *malt beverages* from Cranston, R.I., to St. Louis, Mo., and points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin; *malt beverages* from Fogelsville, Pa., and F&M Shaefer Brewing Co., at Brooklyn, N.Y., to points in Michigan, Indiana, Illinois, and Ohio; *malt beverages* from Trenton, N.J., and Norfolk, Va., to points in Minnesota, Iowa, Nebraska, Missouri, Oklahoma, Texas, Tennessee, Louisiana, and Colorado; *malt beverages* from Philadelphia, Pa., to St. Louis, Mo., and points in Illinois, Indiana, and Michigan, restricted to traffic originating at the named orign and destined to the indicated destinations; *shortening, lard, tallow, cooking oil and margarine* (except commodities in bulk), from the facilities of Swift Edible Oil Co., at or near Bradley, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named facilities and destined to the named destination points. The following applications are pending on behalf of Logan Trucking, Inc., before the Interstate Commerce Commission and Rogers Truck Line, Inc., will petition the Commission to be substituted as the applicant in these proceedings: *Candy confectionery and dessert preparation* (except in bulk), and incidental promotional and advertising papaphernalia premiums from Chicago, Ill., to points in Michigan, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, West Virginia, New Jersey, New York, and Massachusetts, restricted to traffic moving in vehicles equipped with mechanical refrigeration units and restricted to traffic originating at the plantsites and warehouse facilities of Leaf Confectionery Inc., at Chicago, Ill., and Queen Ann Co., at Harmond, Indiana and destined to points in the named destination States; *food stuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of Kraft Inc., at or near Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia; *plastic resin* from Trenton, N.J., to points in Michigan, Illinois, Indiana, Ohio, Tennessee, and Arkansas, and *scrap plastic* from points in Michigan, Illinois, Indiana, Ohio, Tennessee, and Arkansas, to Trenton, N.J., restricted against the transportation of commodities in bulk; *malt beverages* from Orange, N.J., to points in Minnesota, Iowa, Nebraska, Missouri, and Oklahoma, Texas, Tennessee, and Colorado; *malt beverages* from Norfolk, Va., to points in Illinois, Indiana, Michigan, Wisconsin, Ohio, and Arkansas, with corresponding permanent application not yet assigned a docket number for the transportation of malt beverages from the facilities of Champale, Inc., at Trenton, N.J., and Norfolk, Va., to points in Arizona, Arkansas, California, Idaho, Kansas, Mississippi, New Mexico, Utah, Wyoming, Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in Nebraska, Iowa, Michigan, West, Virginia, Virginia, Maryland, Pennsylvania, New York, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13461. Authority sought for purchase by UNITED TRUCKING SERVICE, INC., 3047 Lonyo Road, Detroit, Mich. 48209, of a portion of the operating rights of Eastern Express, Inc., 1450 Wabash Avenue, Terre Haute, Ind. 47808, and for acquisition by John J. Dooley, also of 3047 Lonyo Road, Detroit, Mich., of control of such rights through the purchase. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006, and Roland Rice, 501 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought to be transferred: (1) That portion of Certificate No. MC 106943, authorizing the following transportation, as a *common carrier*, (a) over regular routes: *General commodities*, with exceptions serving to and from Speedway, Ind., and the plant of Charles Pfizer & Co., Inc., approximately five miles south of Terre Haute, Ind., as off route points in connection with carrier's regular route operations between St. Louis, Mo., and Indianapolis, Ind. Serving to and from points in Indiana within ten miles of Evansville, Ind., as off route points in connection with carrier's regular route operations east of the Ohio-Pennsylvania State line. Serving to and from points within six miles of Terre Haute, Ind. (except Terre Haute), as intermediate of off route points in connection with carrier's regular route operations to and from Terre Haute, Ind. Between St. Louis, Mo., and Indianapolis, Ind., serving the intermediate point of Terre Haute, Ind., and the off route point of Jefferson Barracks, Mo., restricted as follows: said carrier shall not transport any traffic (a) between Indianapolis, St. Louis, Terre Haute, and Jefferson Barracks, or (b) between St. Louis and Jefferson Barracks, from St. Louis over U.S. Highway 40 to Indianapolis and return over same route, with restrictions. Between Evansville, Ind., and Terre Haute, Ind., serving no intermediate points, from Evansville over U.S. Highway 41 to Terre Haute, and return over same route, with restrictions, (b) over irregular routes: *General commodities*, with exceptions between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within the commercial zone. (2) That portion of Certificate No. MC 106943 Sub 51, authorizing the following regular route

transportation: *General commodities,* with exceptions between Effingham, Ill., and Indianapolis, Ind., serving (1) intermediate points between Indianapolis, Ind. and Effingham, Ill., (2) the off route point of Newton, Ill., from Effingham over U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Casey, Ill., thence over unnumbered highway via Casey and Martinsville, Ill., to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Marshall, Ill., thence over unnumbered highway via Marshall to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route. Between Indianapolis, Ind., and Cincinnati, Ohio, serving all intermediate points, and the off route points of Greensburg, and Milroy, Ind., from Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route. (3) That portion of Certificate No. MC 106943 Sub 52, authorizing the following regular route transportation: *General commodities,* with exceptions between Indianapolis, Ind., and Vincennes, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Indianapolis over Indiana Highway 67 to Vincennes, and return over the same route. Between Elliston, Ind., and Washington, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Elliston over Indiana Highway 57 to Washington, and return over the same route. Between Washington, Ind., and Evansville, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Washington over Indiana Highway 57 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Evansville, and return over the same route, with restrictions. (4) That portion of Certificate No. MC 106943 Sub 58, authorizing the following regular route transportation: *General commodities,* with exceptions, serving the plantsite of Indiana-Michigan Electric Co., located approximately two and one-half miles west of Fairbanks, Ind., as an off route point in connection with carrier's authorized regular route operations between St. Louis, Mo., and Indianapolis, Ind., and between Effingham, Ill., and Indianapolis, Ind. (5) That portion of Certificate No. MC 106943 Sub 69, authorizing the following regular route transportation: *General commodities,* with exceptions, serving the plantsite of the General Electric Co. on Indiana Highway 69 approximately two miles southwest of Mount Vernon, Ind., as an off route point. No service shall be rendered to or from any point west of the Ohio-Pennsylvania State line. (6) That portion of Certificate No. MC 106943 Sub 108, authorizing the following regular route transportation: *General commodities,* with exceptions, serving the facilities of Anaconda Aluminum Co., at or near Sebree, Ky., as an off route point in connection with carrier's existing regular route operations. (7) That portion of Certificate No. MC 106943 Sub 114, authorizing the following regular route transportation: *General commodities,* with exceptions, serving Santa Claus, Ind., as an off route point in connection with carrier's authorized regular route operations. Vendee is authorized to operate as a *common carrier* in Indiana, Kentucky, Michigan, Tennessee, and Ohio. Application has been filed for temporary authority under section 210a(b).

NOTE. MC 70151 (Sub-No. 51) is a directly related matter.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 70151 (Sub-No. 51), filed December 13, 1977. Applicant: UNITED TRUCKING SERVICE, INC., 3047 Lonyo Road, Detroit, Mich. 48209. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: (1) *General commodities* (except Class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission and commodities requiring special equipment), over regular routes: (a) Serving Speedway, Ind., and the plant of Charles Pfizer & Co., Inc., approximately five miles south of Terre Haute, Ind., as off-route points in connection with carrier's regular route operations between St. Louis, Mo., and Indianapolis, Ind.; (b) serving points in Indiana within ten miles of Evansville, Ind., as off-route points in connection with carrier's regular route operations east of the Ohio-Pennsylvania State line; (c) serving points within six miles of Terre Haute, Ind. (except Terre Haute), as intermediate or off-route points in connection with carrier's regular route operations to and from Terre Haute, Ind.; (d) between St. Louis, Mo. and Indianapolis, Ind., serving the intermediate point of Terre Haute, Ind., and the off-route point of Jefferson Barracks, Mo., From St. Louis over U.S.Highway 40 to Indianapolis and return over same route; (e) Between Evansville, Ind. and Terre Haute, Ind., serving no intermediate points: From Evansville over U.S. Highway 41 to Terre Haute, and return over the same route.

(2) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes; between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission on the one hand and, on the other, points in St. Louis County, Mo. not within the commercial zone.

(3) *General commodities* (except those of unusual value, Class A and B explosives other than small-arms ammunition, livestock, household goods as defined by the Commission, and liquids in bulk in tank trucks), over regular routes: Between Effingham, Ill. and Indianapolis, Ind., serving (1) intermediate points between Indianapolis, Ind. and Effingham, Ill., (2) the off-route point of Newton, Ill.; from Effingham over U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Casey, Ill., thence over unnumbered highway via Casey and Martinsville, Ill. to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Marshall, Ill., thence over unnumberd highway via Marshall to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind. and return over the same route. Between Indianapolis, Ind. and Cincinnati, Ohio, serving all intermediate points and the off-route points of Greensburg, and Milroy, Ind.; from Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route.

(4) *General commodities* (except Class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the

Commission, and commodities requiring special equipment), over regular routes: Between Indianapolis, Ind. and Vincennes, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Indianapolis over Indian Highway 67 to Vincennes, and return over the same route; between Elliston, Ind. and Washington, Ind., serving no intermediate points, as an alternate route for operating convenience only; from Elliston over Indiana Highway 57 to Washington, and return over the same route; between Washington, Ind. and Evansville, Ind., serving no intermediate points, as an alternate route for operating convenience only, from Washington over Indian Highway 57 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Evansville, and return over the same route.

(5) *General commodities* (except those of unusual value, Classes A and B explosives (other than small arms ammunition), household goods as defined by the Commission, and liquids in bulk, in tank vehicles), over regular routes, serving the plantsite of Indiana-Michigan Electric Co. located approximately two and one-half miles west of Fairbanks, Ind., as an off-route point in connection with carrier's authorized regular-route operations between St. Louis, Mo. and Indianapolis, Ind., and between Effingham, Ill. and Indianapolis, Indiana.

(6) *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, in bulk, household, goods as defined by the Commission, and commodities requiring special equipment), over regular routes, serving the plantsite of the General Electric Co. on Indiana Highway 69 approximately two miles southwest of Mount Vernon, Ind., as an off-route point. No service shall be rendered to or from any point west of the Ohio-Pennsylvania line.

(7) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), over regular routes, serving the facilities of Anaconda Aluminum Co. at or near Sebree, Ky., as an off-route point in connection with carrier's existing regular-route operations.

(8) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, serving Santa Claus, Ind., as an off-route point in connection with carrier's authorized regular-route operations.

NOTE.—This application is directly related to MC-F-13461, United Trucking Service, Inc.—Purchase portion—Eastern Express, Inc., published in a previous section of this FEDERAL REGISTER issue.

The purpose of this filing is to eliminate certain restrictions contained in the authority of Eastern Express, Inc., sought to be purchased by applicant. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich. or Washington, D.C.

No. MC 121030 (Sub-No. 2), filed November 25, 1977. Applicant: STEWART MOTOR FREIGHT, INC., 1508 Woodsweather Road, Kansas City, Mo. 64105. Applicant's representative: Charles J. Fain, P.O. Box 853, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which require special equipment), between Lawson, Mo. on the one hand and, on the other, points in Missouri.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity, and is a matter directly related to a Section 5(2) proceeding in No. MC-F-13452, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Kansas City, Kans., Jefferson City, Mo., or St. Louis, Mo.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042. 4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 1494 (Deviation No. 2), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to Tomah, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Paul, Minn., over U,S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to Tomah, Wis., and return over the same route.

No. MC 1494 (Deviation No. 3), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 10 near Osseo, Wis., thence over U.S. Highway 10 to Stevens Point, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to New Lisbon, Wis., thence over Wisconsin Highway 80 to Necedah, Wis., thence over Wisconsin Highway 21 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to junction Wisconsin Highway 54, thence over Wisconsin Highway 54 to junction U.S. Highway 51, thence over U.S. Highway 51 to Stevens Point, Wis., and return over the same route.

No. MC 1494 (Deviation No. 4), GROSS COMMON CARRIER, INC., 660 W. Grand Ave., Wisconsin Rapids, Wis. 54494, filed December 20, 1977. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 10 and Interstate Highway 94 in St. Paul, Minn., over Interstate Highway 94 to junction U.S. Highway 10 near Osseo,

Wis., thence over U.S. Highway 10 to junction Wisconsin Highway 73 at Neillsville, Wis., thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commoditites over a pertinent service route as follows: From St. Paul, Minn., over U.S. Highway 10 to Mondovi, Wis., thence over Wisconsin Highway 37 to junction Wisconsin Highway 88, thence over Wisconsin Highway 88 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Bluff Siding, Wis., thence across the Mississippi River to Winona, Minn., thence over U.S. Highway 61 to LaCrescent, Minn., thence over U.S. Highway 16 to New Lisbon, Wis., thence over Wisconsin Highway 80 to Necedah, Wis., thence over Wisconsin Highway 21 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to junction Wisconsin Highway 73, thence over Wisconsin Highway 73 to Wisconsin Rapids, Wis., and return over the same route.

No. MC 89723 (Deviation No. 43), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed December 19, 1977. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Harrisonville, Mo., over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisonville, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to junction Missouri Highway 39, thence over Missouri Highway 39 to Aurora, Mo., thence over U.S. Highway 60 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction supplemental highway A, thence over supplemental highway A to junction supplemental highway K, thence over supplemental highway K to junction Missouri Highway 14, thence over Missouri Highway 14 to junction supplemental highway P, thence over supplemental highway P to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Mo., and return over the same route.

No. MC 111383 (Deviation No. 52), BRASWELL MOTOR FREIGHT LINES, INC., 10990 Roe Ave., Shawnee Mission, Kans., 66207, filed December 20, 1977. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows, from Brookhaven, Miss., over Mississippi Highway 550 to junction Mississippi Highway 28 near Union Church, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows, from Brookhaven, Miss., over U.S. Highway 51 to junction Mississippi Highway 28, thence over Mississippi Highway 28 to Union Church, Miss., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-1889, filed November 9, 1977. Applicant: MILTON AND KATHERINE MOORE, d.b.a. SHOPPERS INSTANT DELIVERY & MESSAGE SERVICE, 1402 42nd Street, Wilmington, N.C. 28401. Applicant's representative: J. Ruffin Bailey, 336 Fayetteville Street, Raleigh, N.C. 27601. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Pick up, delivery and drayage of general commodities and retail store delivery,* between Wilmington, N.C., and points and places within a 35-mile radius of Wilmington. Intrastate, interstate, and foreign commerce authority sought. Hearing: Wednesday, January 25, 1978, at 9:30 a.m., room 217, Dobbs Building, 430 North Salisbury Street, Raleigh, N.C. Requests for procedural information should be addressed to North Carolina Utilities Commission, P.O. Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 23461 (Sub-No. 3), filed November 30, 1977. Applicant: H. A. DAY, d.b.a. H. A. DAY TRUCK LINES, 801 East Reno, Oklahoma City, Okla. 73104. Applicant's representative: T. Earl Curb, 2628 Southwest 69th Street, Oklahoma City, Okla. 73159. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: Transportation of *General commodities,* between Oklahoma City, Okla., and Asher, Konowa, Stratford, and Ada, Okla., via routes as follows: (1) From Oklahoma City via U.S. Highway 270 to its junction with State Highway 3 approximately 4 miles west of McLoud; and (2) from Oklahoma City, via State Highway 3, to same junction with U.S. Highway 270, serving the off-routes point of Tinker Air Force Base; thence east via both U.S. Highway 270 and State Highway 3, to Shawnee and Tecumseh, Okla.; thence south via both U.S. Highway 177 and State Highway 3-West to Asher, serving the off-route points of Maud, Okla. (via State Highway 59) and Wanette, Okla. (via State Highway 39); thence east from Asher via State Highway 39, to Konowa, Okla.; thence south from Asher via U.S. Highway 177, to Stratford; and thence south and southeast from Asher, via State Highways Nos. 3-West and 13, to Ada, serving all intermediate points on all proposed routes. Applicant requests authority to tack the proposed authority at Asher, Konowa, Stratford, and Ada, points named on existing authority per Certificate No. MC 23461, Sub-1, as modified by Commission Order No. 132773; for the transportation of both intrastate and interstate traffic to all points on said existing authority. Intrastate, interstate, and foreign commerce sought. Hearing January 12, 1978; time and place not yet fixed. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 41653, filed December 6, 1977. Applicant: TURNPIKE TRANSIT, INC., 5416 South Yale, Suite 402, Tulsa, Okla. 74135. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points over the routes as follows: (1) Between Tulsa and Oklahoma City, Okla., serving the intermediate points of Bristow, Depew, Stroud, Davenport, and Chandler. From Tulsa via U.S. Highway 66 to Oklahoma City and return via the same route. (2) Between Tulsa and

Oklahoma City, Okla., serving no intermediate points, for operating convenience only, and as an alternate route. From Tulsa via Interstate Highway 44, to Oklahoma City, and return via the same route. Intrastate, interstate, and foreign commerce authority sought. Hearing February 8, 1978, at 9 a.m., 2nd Floor, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-135 Filed 1-4-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., January 6, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-2-78 Filed 1-3-78; 10:45 am]

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION: December 21, 1977 (42 FR 64028).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., January 5, 1978.

CHANGES IN THE MEETING: The Commission decided to add the following matters to its agenda of January 5, 1978. These matters will be considered in open session.

Petition on Special Labeling for Paint Strippers Containing Methylene Chloride, HP 76-8.—Judy Braiman, president, Empire State Consumer Association, has petitioned the Commission to require special labeling for paint strippers containing methylene chloride to warn heart patients and heavy smokers of the hazards of carbon monoxide allegedly associated with these products.

Petitions on Hand-Held Hairdryers and Similar Products, CP 75-25 and CP 76-2.—These two petitions request the Commission to initiate a proceeding to develop a mandatory safety standard for hand held hair dryers and similar products to address the alleged hazards of flaming and overheating.

Petition on Meeting Policy, AP 77-3.—David A. Swit has requested that the Commission clarify its meetings policy with regard to pre-proposal meetings which are held by the Commission at the time a contract solicitation is issued.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-1-78 Filed 1-3-78; 10:45 am]

[6730-01]

3

FEDERAL MARITIME COMMISSION.

TI ME AND DATE: January 11, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreement No. 10137-5: Modification of the Barber-Blue Sea Line Joint Service Agreement to permit the use of a different trade name and define "multi-purpose vessels."

2. Agreements Nos. 2846-28, 5660-21, 9522-30, 9548-14 and 9615-23: Modifications to conference agreements to authorize discussion with other conferences on inland movement of containers in Europe.

3. Notice of Proposed Rulemaking covering time limit on the filing of overcharge claims.

Portions closed to the public:

1. Sea-Land Service, Inc. (Sea-Land) proposed 10.4 percent general increase in the U.S. Gulf Coast/Puerto Rico trades.

2. Sea-Land Service, Inc. (Sea-Land) new tariffs proposing through rail-water service between U.S. Pacific seaport cities on the one hand and Puerto Rico and the U.S. Virgin Islands on the other hand.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-4-77 Filed 1-3-78; 3:41 pm]

[7590-01]

4

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, December 29, 1977 (additional items).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

3 p.m.—1. Discussion of EBTF Budget Requests (approximately ½ hour) (closed—Exemption 9).

2. Discussion of Status of Draft Legislation (approximately ½ hour) (closed—Exemption 9).

6 p.m.—1. Continuation of Discussion of Hearing Board for Clearance Rule Proceeding (approximately 5 minutes) (closed—Exemption 6).

2. Continuation of Discussion of Domestic Safeguards Technical Assistance and Research Contractual Projects (approximately 5 minutes) (public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

DECEMBER 30, 1977.

[S-3-78 Filed 1-3-78; 2:26 pm]

Federal Register

THURSDAY, JANUARY 5, 1978
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PROTECTION OF HUMAN SUBJECTS

Proposed Regulations on Research Involving Prisoners

[4110-08]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 46]

PROTECTION OF HUMAN SUBJECTS

Proposed Regulations on Research Involving Prisoners

AGENCY: Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: The Department of Health, Education, and Welfare (DHEW) is proposing regulations in order to implement the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research on research involving prisoners. The proposed regulations will provide additional protection for prisoners involved in research activities conducted or supported by DHEW.

DATE: In order to receive full consideration, comments and suggestions should be received on or before March 6, 1978.

ADDRESS: Comments, requests for information, and requests for additional copies of this part of the FEDERAL REGISTER to: Dr. Normand R. Goulet, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-7005.

SUPPLEMENTARY INFORMATION: Basic regulations governing the protection of human subjects involved in research, development, and related activities supported by DHEW through grants and contracts were published in the FEDERAL REGISTER on May 30, 1974 (39 FR 18914).

These were extended on August 8, 1975 (40 FR 33530) to activities conducted by DHEW employees.

In the preamble to the publication of May 30, 1974, it was indicated that notices of proposed rulemaking would be developed to provide additional protection for subjects of research who may have diminished capacity to provide informed consent, including prisoners. On August 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER proposing additional safeguards for the protection of prisoners (30 FR 30654).

In the meantime, on July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to identify the requirements for informed consent to participation in biomedical and behavioral research by prisoners. The Commission was also required to investigate and study biomedical and behavioral research conducted or supported under programs administered by the Secretary of DHEW and involving prisoners to determine the nature of the consent obtained from such persons or their legal represenatives before such persons were involved in research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of this investigation and study, the Commission was to make such recommendations to the Secretary as it determined appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him met the requirements respecting informed consent identified by the Commission. In addition, the Commission was authorized to make recommendations to Congress regarding the protection of subjects involved in research not subject to regulation by DHEW.

To carry out its mandate, the Commission studied the nature and extent of research involving prisoners, the conditions under which such research is conducted, and the possible grounds for continuation, restriction or termination of such research. In order to obtain first-hand information on the conduct of biomedical research and the operation of behavioral programs involving inmates, Commission members and staff made site visits to four prisons and two research facilities outside prisons that use prisoners. During the visits, interviews were conducted with many inmates who have and have not participated in research programs.

The Commission then held a public hearing at which research scientists, prisoner advocates, providers of legal services to prisoners, representatives of the pharmaceutical industry, and members of the public presented their views on research involving prisoners. This hearing was duly announced and no request to testify was denied. The National Minority Conference on Human Experimentation, which was convoked by the Commission in order to assure that viewpoints of minorities would be considered, made recommendations to the Commission on research in prisons. In addition to papers, surveys and other materials prepared by the Commission staff, studies on the following topics were prepared under contract: (1) Alternatives to the involvement of prisoners; (2) foreign practices with respect to drug testing; (3) philosophical, sociological and legal perspectives on the involvement of prisoners in research; (4) behavioral research involving prisoners; and (5) a survey of research review procedures, investigators and prisoners at five prisons. Finally, at public meetings commencing in January 1976, the Commisison conducted extensive deliberations and developed its recommendations on the involvement of prisoners in research.

ACTION ON RECOMMENDATIONS

Pursuant to Section 205 of the National Research Act (Pub. L. 93-348) the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavior Research on research involving prisoners were published in the FEDERAL REGISTER (42 FR 3076) on January 14, 1977. Comments were received from 49 individuals. After reviewing the recommendations and the comments, the Secretary has prepared the notice of proposed rulemaking set forth below, which in essence adopts the recommendations, though the proposed rules go slightly beyond the recommendations of the Commission in two respects.

1. In accordance with Pub. L. 93-348, the Commission defined the term "prisoner" with reference to section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781). In the proposed regulations, a somewhat broader definition is used which includes individuals detained in non-penal institutions by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in penal institutions. These individuals are not technically covered by the Commission's definition.

2. The Commission recommended that HEW support research using prisoners that involves more than minimal risk only if three requirements are satisfied:

(1) The research fulfilled an important social need, and the reasons for involving prisoners were compelling;

(2) The involvement of prisoners in the research satisfied "conditions of equity;"

(3) A high degree of voluntariness on the part of research subjects and openness on the part of the institution characterized the conduct of the research.

The Commission specified that to meet its standards of voluntariness and openness a prison would need to provide uncensored communication with certain people (e.g., a prisoner's lawyer, members of the prison's accrediting committee, etc.), an effective grievance procedure, and a minimum standard of living that satisfied 17 detailed and specific standards itemized by the Commission.

The Department has concluded that these requirements are so stringent that it is doubtful that any existing prison and few research projects could satisfy them. The Commission laid down these conditions because the Commission "did not find in prisons the conditions requisite for a sufficiently high degree of voluntariness and openness." In addition, the Commission stressed the "strong evidence of poor conditions generally prevailing in prisons and the paucity of evidence of any necessity to conduct research in prisons." Finally, the Commission noted that research:

Has already been prohibited in all federal prisons;

Has been prohibited in eight States;

Is conducted in only about seven of the states that either permit it or don't regulate it;

And is not conducted in countries outside the United States.

In light of these considerations, the proposed rules would prohibit the Department from conducting or supporting

research that used prisoners as subjects if the research did not represent minimal risk research on incarceration or on penal institutions, and was not intended to improve the health of individual prisoners. The proposed regulations contain no exceptions. In view of the stringent conditions the Commission found would be needed to assure that consent by prisoners was voluntary, the Department could not identify any exception procedure that was both administratively practical and likely to provide the protections sought by the Commission.

In Recommendation No. (4), the Commission indicates that provision should be made "* * * for providing compensation for research-related injury." In this regard, proposed § 46.305(a)(6) requires that where the Institutional Review Board finds there may be a need for follow-up examination or care of participants after the end of their participation, "* * * adequate provision has been made for such examination or care, taking into account the varying lengths of individual prisoners' sentences, and for informing participants of this fact." With regard to financial compensation, a DHEW task force has recently completed a report on compensation of injured research subjects. (NOTE.—Copies may be obtained from National Institutes of Health, Building 31, Room 1–B–58, 9000 Rockville Pike, Bethesda, Md. 20014. Ask for Publication No. OS–77–003.) In view of the complexity of the issues involved in providing such compensation, it would be preferable to treat the matter of compensating prisoners along with the broader question of compensating subjects generally for injuries sustained in research projects.

The proposed regulations set forth below cover only research conducted or supported by DHEW. They do not cover the non-DHEW supported research which is submitted to the Food and Drug Administration to satisfy its regulatory requirements. The Secretary's rulemaking authority with respect to FDA activities has been delegated to the Commissioner of FDA. The Secretary has directed the Commissioner to issue, as soon as possible, regulations that apply the standards set out in these regulations to research that the FDA accepts to satisfy its regulatory requirements.

RESPONSES TO COMMENTS

As has already been said, 49 individuals submitted comments in response to publication in the FEDERAL REGISTER of the Commission's recommendations on research involving prisoners. These comments dealt with 13 issues, set forth below according to the frequency with which the comment was made. Also included is the Department's response to each comment.

1. *Comment:* The standards for living conditions in prisons, as listed in Section (iii) of the Commission's comment on Recommendation No. (3), are too restrictive.

Response: The Commission's intent appears to be to severely limit research which is not of direct benefit to prisoners and to insure a high degree of voluntariness in the consent offered by prisoners. Studies by scientists engaged in prison research, by professional correctional groups concerned with prison operations, and by prison law projects have reached similar conclusions with respect to the coercive nature of the environment created by the inadequate standards of living existing in the overwhelming majority of the prisons. Since one of the fundamental provisions of the Department's regulations on protection of human subjects (§ 46.103(c)) states that informed consent must be "without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion," the Commission's overall view appears to be well founded.

2. *Comment:* The Commission went beyond its mandate in coupling penal reform to research involving prisoners at the expense of the nation's research effort.

Response: The Commission could not consider research involving prisoners without looking at a wide variety of conditions in prisons which could have a bearing on informed consent.

Examination by the Commission of prison conditions, health care practices, and rehabilitation programs revealed many deficiencies which need to be corrected.

3. *Comment:* Local committees, rather than the head of a Federal department or agency, should determine investigator competency as well as the adequacy of the research facilities involved. The Federal department or agency head does not have the ability to determine the competency of the investigator, the adequacy of the research facilities, or the social value of research programs.

Response: Since 1937, the Department has been making, through its advisory committees and national advisory councils, similar determinations with respect to highly successful grant and contract programs that now support almost half of all health-related research. There seems to be no compelling reason why Federal department or agency heads, through the use of special or regular national advisory groups and councils or other appropriate mechanisms, should not be able to make determinations related to the competency of the investigators, the adequacy of the research facilities, and the social value of research programs.

4. *Comment:* Under Recommendation No. (2), Phase I drug studies would be prohibited because the control groups of prisoners (e.g., placebo, no treatment, historical control) could not expect an improvement in their health or well-being.

Response: In Phase I studies, the Commission recommended such extensive and strict conditions to assure voluntariness that the Department now proposes to prohibit reliance on prisoners in such research completely. The Commission found a paucity of evidence that such research testing of drugs on prisoners was necessary. The Department has concluded that the need to assure that research on human subjects is performed only on individuals who have knowingly and voluntarily consented to participate far outweighs any need that has been shown for the use of prisoners in these studies.

5. *Comment:* Research involving prisoners does not carry excessive risks, and is not of a nature such as to reduce the likelihood of participation by free volunteers.

Response: The Commission's findings indicate that prison conditions can be viewed as being coercive. Since there are other environments in which research can be carried out, prisoners should not be involved in most research.

6. *Comment:* The requirement in Recommendation No. (3)(B), that the involvement of prisoners in more than minimal risk research satisfy conditions of equity, is too vague. A regulatory agency applying this criterion would need a considerable degree of discretion or face prolonged debate, and even litigation, as to whether the agency had properly applied the criterion.

Response: The proposed regulations would impose a simple prohibition on the use of prisoners as subjects in research conducted or supported by HEW if the research involves more than minimal risks and is not intended to improve the health of the individual prisoners.

7. *Comment:* Section (iii)(9) of the Commission's comment on Recommendation No. (3), requiring medical facilities in the prison, might imply that every prison should have an accredited hospital within its walls. The implementation of such an interpretation would lead to a wasteful use of resources needed to upgrade other prison areas.

Response: The Commission's recommendation refers to "facilities," not hospitals, and need not be interpreted to require hospital accreditation. When research involves minimal or no risk, it would seem sufficient to have good quality medical facilities in the prison such as a well staffed and equipped infirmary and suitable, accredited hospital facilities available within a short distance from the prison for referral and treatment of medical emergencies. Where research involves substantial risk, the proposed regulations would prohibit DHEW support for such research.

8. *Comment:* Adequate remuneration rates, as required by Section iii(11) of the Commission's comment on Recommendation No. (3) should be set by institutional review boards and any differences between such compensation and prevailing prison wages should be placed in escrow to be paid to each participant at the time of his/her release.

Response: The remuneration referred to is that for prison labor, not research. Such rates are necessarily set by the jurisdiction in which the correctional facility lies. Essentially, Section iii(11) would limit the opportunities to conduct research in prison systems to those prisons that provide work opportunities and pay for prison labor at wages competitive with those offered for participation in research. The proposed rules avoid

the complexity and difficulty of making this determination by prohibiting the Department from conducting or supporting research covered by Recommendation No. (3).

9. *Comment:* The stipulation in Section iii(15) of the Commission's comment on Recommendation No. (3), that the racial composition of the prison staff reasonably correspond to that of the prison population, is unrealistic since minorities often represent only a small percentage of a State's population but sometimes constitute a majority of the State's prison population.

Response: This recommendation provides prison officials with adequate latitude and flexibility for exercising practical and attainable racial goals. Again, however, the proposed rules avoid the difficulty of assessing this question as it affects voluntariness by proposing a simple prohibition on DHEW support for research covered by this recommendation.

10. *Comment:* The establishment of the proposed accrediting office would be redundant and would superimpose an additional regulatory stratum.

Response: This issue is academic since the Department proposes to prohibit project covered by Recommendation No. 3.

11. *Comment:* No action should be taken with respect to the issue of compensation for research-related injury mentioned in Recommendation No. (4)(B) until the Department's task force report on the subject has been thoroughly evaluated.

Response: This is the Department's intention.

12. *Comment:* Recommendation No. (5), providing for the discontinuation of research currently in progress within one year following issuance of the regulations, might cause valid data to be lost or new studies to be jeopardized by the sudden termination of the therapeutic regimen afforded by the ongoing study.

Response: In anticipation of the issuance of final regulations, the DHEW is phasing out all supported and conducted research involving prisoners which would have been covered by Recommendation No. 3. The Commissioner of FDA will consider this matter in issuing regulation affecting non-DHEW supported research.

13. *Comment:* In Recommendation No. (1), clause (A) should be deleted and the following clause substituted: "that (A) because there will always be possible risks involved in behavioral research, specific safeguards must be provided for each risk identified, and the beneficial effects must outweigh these risks."

Response: Recommendation No. (4) would accomplish what has been suggested above.

Notice is given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 29, 1977.

JOYCE C. LASHOF,
Acting Assistant Secretary for Health.

Approved: December 29, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

It is therefore proposed to amend Part 46 of 45 CFR, Subtitle A, by:

§ 46.106 [Amended]

1. Revising the second sentence of § 46.106(b)(1) to read: "The Board must be sufficiently qualified through the maturity, experience, and expertise of its members, and the diversity of the members' racial and cultural backgrounds, to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects."

2. Renumbering §§ 46.106(b)(3) through 46.106(b)(6) as §§ 46.106(b)(4) through 46.106(b)(7), and inserting the following new § 46.106(b)(3):

(3) No Board shall consist entirely of members of only one sex.

§ 46.301 [Redesignated]

3. Redesignating Subpart C and § 46.301 as Subpart D and § 46.401 respectively.

4. Adding the following new Subpart C.

Subpart C—Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects

Sec.

AUTHORITY: 5 U.S.C. 301.

Subpart C—Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects

§ 46.301 Applicability.

(a) The regulations in this subpart are applicable to all biomedical and behavioral research conducted or supported by the Department of Health, Education, and Welfare involving prisoners as subjects.

(b) Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will authorize research involving prisoners as subjects, to the extent such research is limited or barred by applicable State or local law.

(c) The requirements of this subpart are in addition to those imposed under the other subparts of this part.

§ 46.302 Purpose.

Inasmuch as prisoners may be under constraints because of their incarceration which could affect their ability to make a truly voluntary and uncoerced decision whether or not to participate as subjects in research, it is the purpose of this subpart to provide additional safeguards for the protection of prisoners involved in activities to which this subpart is applicable.

§ 46.303 Definitions.

As used in this subpart:

(a) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom authority has been delegated.

(b) "DHEW" means the Department of Health, Education, and Welfare.

(c) "Prisoner" means any individual involuntarily confined or detained in a penal institution. The term is intended to encompass individuals sentenced to such an institution under a criminal or civil statute, individuals detained in other facilities by virtue of statutes or commitment procedures which provide alternatives to criminal prosecution or incarceration in a penal institution, and individuals detained pending arraignment, trial, or sentencing.

§ 46.304 Composition of Institutional Review Boards where prisoners are involved.

In addition to satisfying the requirements in § 46.106 of this part, an Institutional Review Board, carrying out responsibilities under this part with respect to research covered by this subpart, shall also meet the following specific requirements:

(a) A majority of the Board (exclusive of prisoner members) shall have no association with the prison(s) involved, apart from their membership on the Board.

(b) At least one member of the Board shall be a prisoner, or a prisoner advocate with appropriate background and experience to serve in that capacity, except that where a particular research project is reviewed by more than one Board only one Board need satisfy this requirement.

§ 46.305 Additional duties of the Institutional Review Boards where prisoners are involved.

(a) In addition to all other responsibilities prescribed for Institutional Review Boards under this part, the Board shall review research covered by this subpart and approve such research only if it finds that:

(1) Any possible advantages accruing to the prisoner through his or her participation in the research, when compared to the general living conditions, medical care, quality of food, amenities, and opportunity for earnings in the prison, are not of such a magnitude that his or her ability to weigh the risks of the research against the value of such advantages in the limited choice environment of the prison is impaired;

(2) The risks involved in the research are commensurate with risks that would be accepted by nonprisoner volunteers;

(3) Procedures for the selection of subjects within the prison are fair to all prisoners and immune from arbitrary intervention by prison authorities or prisoners;

(4) The information is presented in language which is appropriate for the subject population;

(5) Adequate assurance exists that parole boards will not take into account a prisoner's participation in the research in making decisions regarding parole, and each prisoner is clearly informed in advance that participation in the research will have no effect on his or her parole; and

(6) Where the Board finds there may be need for follow-up examination or care of participants after the end of their participation, adequate provision has been made for such examination or care, taking into account the varying lengths of individual prisoners' sentences, and for informing participants of this fact;

(b) The Board shall carry out such other duties as may be assigned by the Secretary.

(c) The institution shall certify to the Secretary, in such form and manner as the Secretary may require, that the duties of the Board under this section have been fulfilled.

§ 46.306 Permitted research involving prisoners.

(a) Biomedical or behavioral research conducted or supported by DHEW may involve prisoners as subjects only if:

(1) The institution responsible for the conduct of the research has certified to the Secretary that the Institutional Review Board has approved the research under § 46.305 of this subpart; and

(2) In the judgment of the Secretary the proposed research involves solely the following:

(A) Study of the possible causes, effects, and processes of incarceration, provided that the study presents minimal or no risk and no more than inconvenience to the subjects;

(B) Study of prisons as institutional structures or of prisoners as incarcerated persons, provided that the study presents minimal or no risk and no more than inconvenience to the subjects; or

(C) Research on practices, both innovative and accepted, which have the intent and reasonable probability of improving the health and well-being of the subject.

(b) Except as provided in paragraph (a) of this section, biomedical or behavioral research conducted or supported by DHEW shall not involve prisoners as subjects.

[FR Doc.78-100 Filed 1-4-78;8:45 am]

federal register

THURSDAY, JANUARY 5, 1978

PART III

DEPARTMENT OF TRANSPORTATION

Coast Guard

SEVENTH COAST GUARD DISTRICT

Boundary Realignments

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-212]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Boundary Realignments Within the Seventh Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments realign the boundaries of the Marine Inspection Zones and Captain of the Port Areas in the Seventh Coast Guard District. The realignment of these boundaries places all of the land area in this District under the jurisdiction of the Captain of the Port Offices and makes the boundary lines of the Marine Inspection Zones and Captain of the Port Areas identical. The realignment of these boundaries is intended to enable the Coast Guard to operate more effectively.

EFFECTIVE DATE: These amendments are effective on January 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION: The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF REGULATION

These boundary realignments are a result of Coast Guard organizational changes in recent years. The first phase of these organizational changes was to place all the land area within each District under the jurisdiction of the Captain of the Port Offices in each District. The second phase was to make the Captain of the Port boundaries coincide with the Marine Inspection Zone boundaries wherever possible. These amendments accomplish all of these changes for the Seventh Coast Guard District.

The sections that described only the Captain of the Port Areas (§§ 3.35-55, 60, 65, 70, 75, 80, and 85) have been deleted and their descriptions are included in the descriptions of the combined Marine Inspection Zones and Captain of the Port Areas as set forth below.

In accordance with the foregoing, Part 3 of Chapter 1, Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.35-10 is amended to read as follows:

§ 3.35-10 Miami Marine Inspection Zone and Captain of the Port.

(a) The Miami Marine Inspection Office and the Miami Captain of the Port Office are located in Miami, Florida.

(b) The boundary of the Miami Marine Inspection Zone, and of the Miami Captain of the Port Area, starts at the eastern Florida coast at 28°00′ N. latitude; thence due west to 28°00′ N. latitude, 81°30′ W. longitude; thence due south to 26°00′ N. latitude, 81°30′ W. longitude; thence southwesterly to the southern tip of Cape Romano; and includes all of the Florida Keys and the Dry Tortugas area.

2. Section 3.35-15 is amended to read as follows:

§ 3.35-15 Charleston Marine Inspection Zone and Captain of the Port.

(a) The Charleston Marine Inspection Office and the Charleston Captain of the Port Office are located in Charleston, South Carolina.

(b) The boundary of the Charleston Marine Inspection Zone, and of the Charleston Captain of the Port Area, starts at the sea at the intersection of the North Carolina-South Carolina boundary; thence westerly along the North Carolina-South Carolina boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence southerly along the South Carolina-Georgia boundary to its intersection with the federal dam at the southern end of Hartwell Reservoir; thence southerly along the eastern bank of the Savannah River to 32°30′ N. latitude; thence easterly to the eastern bank of the Edisto River at 32°41′ N. latitude; thence southerly along the eastern bank of the Edisto River to the southern tip of Bay Point, Edisto Island, South Carolina.

3. Section 3.35-20 is amended to read as follows:

§ 3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port.

(a) The Jacksonville Marine Inspection Office and the Jacksonville Captain of the Port Office are located in Jacksonville, Florida.

(b) The boundary of the Jacksonville Marine Inspection Zone, and of the Jacksonville Captain of the Port Area, starts at the eastern Florida coast at 30°50′ N. latitude; thence due west to 30°50′ N. latitude, 82°15′ W. longitude; thence due south to the intersection of the Florida-Georgia boundary at 82°15′ W. longitude; thence westerly along the Florida-Georgia boundary to 83°00′ W. longitude; thence southeasterly to 28°00′ N. latitude; 81°30′ W. longitude; thence due east to the sea at 28°00′ N. latitude.

4. Section 3.35-25 is amended to read as follows:

§ 3.35-25 San Juan Marine Inspection Zone and Captain of the Port.

(a) The San Juan Marine Inspection Office and the San Juan Captain of the Port Office are located in San Juan, Puerto Rico.

(b) The San Juan Marine Inspection Zone and the San Juan Captain of the Port Area is comprised of the area of both the Commonwealth of Puerto Rico and the Territory of the Virgin Islands.

5. Section 3.35-30 is amended to read as follows:

§ 3.35-30 Savannah Marine Inspection Zone and Captain of the Port.

(a) The Savannah Marine Inspection Office and the Savannah Captain of the Port Office are located in Savannah, Georgia.

(b) The boundary of the Savannah Marine Inspection Zone, and of the Savannah Captain of the Port Area, starts at the southern tip of Bay Point, Edisto Island, South Carolina; thence northerly along the eastern bank of the Edisto River to 32°41′ N. latitude; thence westerly to the eastern bank of the Savannah River at 32°30′ N. latitude; thence northerly along the eastern bank of the Savannah River to the intersection of the South Carolina-Georgia boundary with the federal dam at the southern end of Hartwell Reservoir; thence northerly along the South Carolina-Georgia boundary to the intersection of the North Carolina-South Carolina-Georgia boundary; thence westerly along the Georgia-North Carolina boundary and continuing westerly along the Georgia-Tennessee boundary to the intersection of the Georgia-Tennessee-Alabama boundary; thence southerly along the Georgia-Alabama boundary to 32°53′ N. latitude; thence southeasterly to the eastern bank of the Flint River at 32°20′ N. latitude; thence southerly along the eastern bank of the Flint River and continuing southerly along the southeastern bank of Jim Woodruff Reservoir to 84°45′ W. longitude; thence southerly to the intersection of the Florida-Georgia boundary; thence easterly along the Florida-Georgia boundary to 82°15′ W. longitude; thence due north to 30°50′ N. latitude, 82°15′ W. longitude; thence due east to the sea at 30°50′ N. latitude.

6. Section 3.35-35 is amended to read as follows:

§ 3.35-35 Tampa Marine Inspection Zone and Captain of the Port.

(a) The Tampa Marine Inspection Office and the Tampa Captain of the Port Office are located in Tampa, Florida.

(b) The boundary of the Tampa Marine Inspection Zone, and of the Tampa Captain of the Port Area, starts at the Florida coast at 83°50′ W. longitude; thence due north to 30°15′ N. latitude, 83°50′ W. longitude; thence due west to 30°15′ N. latitude, 84°45′ W. longitude;

thence due north to the Florida-Georgia boundary at 84°45′ W. longitude; thence easterly along the Florida-Georgia boundary to 83°00′ W. longitude; thence southeasterly to 28°00′ N. latitude, 81°30′ W. longitude; thence due south to 26°00′ N. latitude, 81°30′ W. longitude; thence southwesterly to the southern tip of Cape Romano.

7. Sections 3.35–55, 3.35–60, 3.35–65, 3.35–70, 3.35–75, 3.35–80 and 3.35–85 are deleted.

§§ 3.35–55, 3.35–60, 3.35–65, 3.35–70, 3.35–75, 3.35–80 and 3.35–85 [Deleted]

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46.)

Dated: December 29, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.78-134 Filed 1-4-78;8:45 am]